

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 2401 OF 2002

SANKARAN BHASKARAN & ORS.

Appellant (s)

VERSUS

KUMARAN SARASAMMA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T.,permission to file additional documents and office report)

Date: 26/09/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s)

Mr. S. Balakrishnan, Sr.Adv.

Mr. T.G. Narayanan Nair,Adv.

Mr. K.N. Madhusoodhanan,Adv.

For Respondent(s)

Mr. M.P. Vinod,Adv.

Ms. Neelam Saini,Adv.

Mr. Dileep Pillai,Adv.

UPON hearing counsel the Court made the following
O R D E R

The matter has been heard at length.

The Trial Court and the Ist Appellate Court had decided in favour of the present appellants and this Court set aside the judgment of the High Court which gone against the appellants and remanded the case to be decided on the issue of limitation.

However, the High Court decided the issue of limitation taking into consideration the element of adverse possession which has not been in issue before the courts below and hence the appeal is again before us.

After having heard learned counsel for the parties, we are of the view that one more opportunity may be given to the parties to settle the matter amicably, particularly, in view of the fact that the case depends on the validity of the sale deed of 1937 executed in favour of Kunchali Nani which has also not been decided by any of the courts below and in such a situation, we may ultimately set aside the judgments of the courts below and remand the case to the trial court for considering the validity of the sale deed of 1937.

List the matter on 20.11.2012 for further hearing.

(KUSUM SYAL)
SR.P.A

(M.S. NEGI)
COURT MASTER