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SLP(C)No.833/2000

ITEM No.3 (PH)

Court No. 5

SECTION IVA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.833/2000

(From the judgement and order dated 22/11/1999 in CR 321/99
of The HIGH COURT OF M.P AT INDORE)

TRILOK SINGH AND ANR.

Petitioner (s)

VERSUS

MANOHAR LAL AND ANR.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 18/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Mr. Rakesh Uttamchadra Upadhyay, Adv.

For Respondent (s)

Mr. S.V. Deshpande, Adv.

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

Leave granted.
Appeal is disposed of.

.SP1

(Suman Wadhwa)
PA to Addl.Regr.

(H.K.Bhatia)
Court Master

Signed order is placed on the file.

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.PL55

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 690 OF 2001@@
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Trilok Singh & Anr.

...Appellants

Vs.

Manohar Lal and Anr.

...Respondents

ORDER@@
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Leave granted.

As we proceeded hearing learned counsel on both sides on the merits of the case Mr. S.V.Deshpande learned counsel for the respondent submitted under instructions that first respondent-Manohar Lal can be advised to file a suit for setting aside the decree passed on 22.1.1991 on the ground of fraud etc. Learned counsel therefore submits that the application filed by Mr. Manohar Lal on behalf of Ram Niwas Badridas on 5.8.1991 for setting aside the ex-parte decree is withdrawn.

In the light of the said withdrawal we order all the proceedings taken on the said application by the Courts at the trial stage or at the appellate stage and the revisional stage would stand erased. Learned counsel for the appellants submitted that appellants would not

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subscribe to the stand of the respondents that the suit filed was based on fraud etc. It is for the appellants to raise their contentions if any such suit is filed. we are not expressing any opinion on the contentions of the rival side in regard to the suit which may be filed.

This appeal is disposed of accordingly.

.SP1

.....J.
(K.T. Thomas)

New Delhi;
January 18,2001.

.....J.
(R.P.Sethi)