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SLP(C)No. 3417 OF 2000

ITEM No.30

Court No. 4

SECTION XIA  
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.3417/2000

(From the judgement and order dated 16/10/1998 in CRP 246/96  
of The HIGH COURT OF KERALA AT ERNAKULAM)

NARAYANARURU THRIVIKRAMARURU

Petitioner (s)

VERSUS

DEVAKI ANDHARJANAM & ORS.

Respondent (s)

(With appln(s) for c/delay in filing SLP and exemption from  
appointment of official translator and with prayer for interim relief  
and office report)

Date : 16/03/2001 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. TLV Iyer, Adv.  
Mr. K.R. Nambiar, Adv.

For Respondent (s) Mr. P Krishnamurthy, Sr. Adv.  
No.5 Ms. Malini Poduval, Adv.  
Ms. Lansingly Rongmei, Adv.

For RR 1 Mr. K. Sukumaran, Sr. Adv.  
Ms. Baby Krishnan, Adv.  
Ms. S. Karthika, Adv.  
Mr. NR Shonkar, Adv.  
Mr. Rahul Ravindran, Adv.

UPON hearing counsel the Court made the following

O R D E R

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I.A. No.3 allowed.  
Delay condoned.  
The Civil appeal is disposed of.

.SP1 Hemalatha (HK Bhatia)  
Court Master  
(signed order is placed on file)

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2102 OF 2001@@  
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(Arising out of SLP(C) No.3417 of 2000)

NARAYANARURU THRIVIKRAMARURU .. APPELLANT

VS.

DEVAKI ANDHARJANAM AND OTHERS .. RESPONDENTS

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Delay condoned.  
Leave granted.

When a revision petition was filed by the respondents before the High Court the same was disposed of by a learned Single Judge solely on the ground that the order passed by the High Court in another civil revision petition ( No.2480/1995) would apply to this case also. The revision petition was allowed solely on that ground without advertng to any other ground or reasons. The order of the High Court in CRP No.2480/1995 was challenged in this court and that was set aside as per the decision reported in Narayanaru Thrivikranaru vs.@@

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V Madhavan Potty & Ors., 2000(2) SCC 422. Thus the@@  
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bottom of the impugned order had been knocked off. As such the impugned order cannot be sustained.

Mr. TLV Iyer, learned senior counsel submitted that no other point survives. On the other hand, Mr. P. Krishnamurthy and Mr. K. Sukumaran, learned senior counsel for the respondents stated that there are other  
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points which were to be urged in the High Court and the same could not be urged as the High Court went by the order referred to in the judgment. We, therefore, set aside impugned order and remit CRP No.246/1996-A back to the High Court for disposal afresh in accordance with law. This appeal is disposed of accordingly.

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

New Delhi  
March 16, 2001

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