

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). 1686-1687 OF 2004

JAYA @ JAYALAKSHMI Appellant (s)

VERSUS

NEELAVATHI @ CHINNAPOONU & ORS. Respondent(s)

Date: 06/02/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Mr. B. Ragunath,Adv.
Mr. Abhijit Sengupta,Adv.

For Respondent(s) Mr. V. Prabhakar,Adv.
Mrs.Revathy Raghavan,Adv.
Ms. Jyoti Prashar,Adv.

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

The appeals stand disposed of, in terms of the signed
order.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 1686-1687 OF 2004

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O R D E R

These appeals have been preferred against the impugned judgment and order dated 19.9.2003 by which the High Court while dealing with the second appeal has set aside the judgment and order passed by the first appellate court as well as by the trial court by which the suit of the respondent in O.S. No.145/1976 was decreed and O.S.No.23/1976 was dismissed.

We have gone through the judgment of the High Court and

also of the courts below. We are of the view that the High Court has decided the appeal and disturbed the findings of fact recorded by the courts below without recording adequate and proper reasons and there is no proper appreciation of evidence before reversing such findings. Moreover, the High Court did not answer properly the substantial questions of law framed by the it. In view of the above, we set aside the judgment and order impugned and remand the case to the High Court to decide afresh.

- 2 -

As the matter is very old and this appeal has been pending before this Court for more than eight years, we request the High Court to decide the matter afresh as early as possible preferably within a period of six months from the date of receipt of this order as well as the original record.

The parties are directed to appear before the High Court through their respective counsel on 4th March, 2013 and the Registry of the High Court of Madras is directed to list the matter before the appropriate Bench of the High Court on 4th March, 2013, only for further direction.

The Registry of this Court is directed to transmit the original record to the High Court of Madras forthwith.

The appeals stand disposed of accordingly.

.....J.

(Dr. B.S. CHAUHAN)

.....J.
(V. GOPALA GOWDA)

New Delhi,
February 6, 2013