

À

C.A.No. 2343 OF 2003

ITEM No.36

Court No.11

SECTION IX

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

IA NOS.1& 2 In Civil Appeal No.2343/2003

SHIVILING SHANKARAPPA OPLE & ANR.

Appellant (s)

VERSUS

MALLIKARJUNAPPA S.OPLE (D) BY LRS. & ORS

Respondent (s)

(For Directions/Recall of the order dated 13.03.2003 and Directions/Amendment of compromise dated 13.03.2003)

Date : 05/05/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s) Mr. V.Prabhakar, Adv.
Mr. RS Krishna Kumar, Adv.
Mr. Rakesh Garg, Adv.
Mr. M.K.D. Namboodiri, Adv.

For Respondent (s)

Mr. C.G. Solshe, Adv.

Mr. Ashok Kumar Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the order placed on the file. IAs. stand disposed of.

(Sheetal Dhingra) (Kanwal Singh)

Court Master Court Master

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

IAs 1 & 2 In

CIVIL APPEAL No.2343 OF 2003

Shiviling Shankarappa Ople & Anr....Appellant (s)

Versus

Mallikarjunappa Sr. Adv. Ople (D) By LRs
& Ors....Respondent(s)

O R D E R

Heard the parties.

On 13th March, 2003 when the SLP was placed for consideration along with the petition for compromise before this Court, an order was passed granting leave, recording compromise and disposing of the appeal on the terms enumerated in the said compromise petition. It was directed that the same shall form part of the order of this Court.

Thereafter, IA No.1/2003 was filed by appellant No.1 objecting to the compromise on the grounds, inter alia, that the compromise petition aforesaid did not bear his signature. The matter was placed for consideration and adjourned, but ultimately a supplementary compromise petition was filed on 30th April, 2004 stating therein that IA No.1/2003 shall not be pressed. In the said application the allegations in IA No.1/2003 have been also withdrawn. In this petition on further terms of compromise have been enumerated.

Both the appellants who are present in Court stated that the aforesaid two compromise petitions bear their signatures and they have voluntarily compromised the matter. In our view the compromise is lawful. In view of these facts order dated 13th March, 2003 is modified to this extent that the appeal is disposed of on the terms enumerated in the compromise petition mentioned in the said order as well as compromise petition filed before this Court on 30th April, 2004 which shall form part of the decree.

IAs. stand disposed of accordingly.

.....J.
(B.N. AGRAWAL)

.....J.
(Dr. AR. LAKSHMANAN)
New Delhi
May 5, 2004.