

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Civil Appeal No(s). 2125/2010

TMT.MAHABOOB JAN & ORS.

Appellant(s)

VERSUS

ABDUL JALIL
(with interim relief and office report)

Respondent(s)

Date : 29/10/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Appellant(s) Mr. S.D. Dwarakanath,Adv.
Dr. Kailash Chand,Adv.

For Respondent(s) Mr. A. T. M. Sampath,Adv.

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

The appeal is disposed of in terms of the
signed order.

(MADHU BALA)
COURT MASTER
(Signed order is placed on the file)

(RENU DIWAN)
COURT MASTER

Signature Not Verified

Digitally signed by
Madhu Bala
Date: 2014.10.31
16:51:31 IST
Reason:

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2125 OF 2010

TMT.MAHABOOB JAN & ORS.

...APPELLANT(S)

VERSUS

ABDUL JALIL

...RESPONDENT(S)

O R D E R

Heard learned counsels for the parties.

This appeal arises out of a suit which
was originally decreed by the learned Trial

Court. The said decree was reversed by the First Appellate Court on a finding that Exhibit P-1 the sale agreement was not proved by the plaintiff and was not executed as claimed in the suit. In the second appeal filed by the plaintiff the aforesaid finding of the First Appellate Court does not appear to have been addressed by the High Court in any manner though the Second Appeal filed by the plaintiff has been allowed by the impugned order.

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According to us whether the sale agreement was proved to have been executed was a crucial issue required to be decided by the High Court. As the same was not done, we are of the view that while setting aside the judgment and order of the High Court under challenge, the matter ought to be remitted for fresh consideration on the aforesaid question. Accordingly, we set aside the judgment and order dated 31.07.2009 passed by the High Court of Madras and remit the same for fresh consideration in accordance with law.

The appeal is disposed of in the above terms.

.....J.
[RANJAN GOGOI]

NEW DELHI
29TH OCTOBER, 2014

.....J.
[ROHINTON FALI NARIMAN]