

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. 2304 OF 2003

T. THIMMEGOWDA & ORS. Appellant (s)

VERSUS

NAZIR AHMED (D) BY LRS. & ORS. Respondent(s)

(With applications for substitution of deceased appellant, compromise, impleadment as party respondent, exemption from filing O.T. and with office report)

Date: 09/09/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Appellant(s) Mr.G.V. Chandrashekhar, Adv.
Mr. N.K. Verma, Adv.
For Mr. P.P. Singh,Adv.

For Respondent(s) Mr. R.P. Wadhvani,Adv.

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

Application for impleadment is dismissed.
Delay in filing the substitution application
is condoned.
Application for substitution is allowed.
The appeal is disposed of in terms of the
signed order.

(Neetu Khajuria) (S.S.R. Krishna)
Sr.P.A. Court Master
(signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2304 OF 2003

T. THIMMEGOWDA & ORS. APPELLANTS

VERSUS

NAZIR AHMED (D) BY LRS. & ORS. RESPONDENTS

O R D E R

I.A. No.8 of 2010
(application for impleadment)

Relying upon the sale deed purported to have been executed in 1961, one Siddegowda has filed this application for impleadment in this appeal. It is stated that he was not aware of the litigation between the appellants and the respondents in this appeal.

It may be noted here that the present appeal before reaching this stage passed through the Trial Court and two Appellate Courts. When it earlier came to this Court, it was remanded to the High Court for a fresh consideration. It has come to this Court for a second time and the proceedings are now at the fag end even before this Court.

In those circumstances we are not inclined to entertain this application for impleadment.

...2/-

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This application is dismissed without expressing any opinion on the merits of the claim sought to be raised on behalf of the said Siddegowda.

I.A. No.6 of 2010
(application for bringing on record the legal representatives of deceased appellant)

This is an application for substitution vice appellant No.2(d) who is said to have died on July 9, 2009. There is a delay of 284 days in filing the substitution application.

In the facts of the case, the delay is condoned and the substitution application is allowed. Let the name of the deceased appellant No.2(d) be deleted from the records of the case and be substituted by his legal representatives, whose names are mentioned in the interlocutory application. A vakalatnama has already been filed on their behalf and there is no need for any further notice to them.

I.A. No.7 of 2010
(application to place on record the memorandum of compromise petition)

On pages 13, 14, 15, 44 and 45 of the compromise petition, due to inadvertence 'Kasaba Hobli' has been typed in place of 'Varuna Hobli'. Let 'Varuna Hobli' be read at those pages in place of 'Kasaba Hobli'.

...3/-

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The parties have settled their dispute out of Court and filed a compromise petition incorporating the terms of the compromise. This appeal is, accordingly, disposed of in terms of the compromise with the compromise petition forming part of this order.

.....J.
(AFTAB ALAM)

.....J.
(SWATANTER KUMAR)

NEW DELHI,
SEPTEMBER 09, 2010.