

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
IA No.4 IN CIVIL APPEAL NO. 2195-2196 OF 2009

KISHORI LAL & ANR.

Appellant (s)

VERSUS

MADAN GOPAL (D) BY LRS. & ORS.

Respondent(s)

(With appln(s) for dismissal of appeal and office report)

Date: 21/01/2013 This I.A. was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Ms. Purnima Bhat, Adv.

For Respondent(s) Ms. Shiwani, Adv.
Mr. R.K. Kapoor, Adv.

Mr. Nitin Sangra, Adv.

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

By this application filed on 1.2.2012, the respondents have sought dismissal of Civil Appeal Nos. 2195-2196 of 2009 by alleging that appellant No.2 had already alienated his property in favour of his sons and he did not have the locus to challenge the order of the High Court.

Having heard learned counsel for the parties, we are satisfied that the application is wholly misconceived and does not deserve to be entertained because mere alienation of the suit property by appellant No.2 in favour of his sons cannot deprive him of his right to challenge the order passed by the High Court.

If appellant No.2 alienated the suit property in favour of his sons, the respondents should have brought this fact to the notice of the High Court and made a request for his deletion from the array of appellants. However, the fact of the matter is that the High Court had allowed transposition of appellant No.2 in the array of appellants by deleting his name as respondent No.2.

With the above observation, the application is dismissed.

(Satish K. Yadav)
Court Master

(Phoolan Wati Arora)
Court Master