

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

Petition(s) for Special Leave to Appeal (Civil) No(s).3804/2007  
(From the judgement and order dated 14/12/2006 in AAO No.  
1054/1998 of The HIGH COURT OF BOMBAY)

PRATAP SARNAIK & ORS. Petitioner(s)

VERSUS

WAMAN NARAYAN BHAVE deceased thr.Lr. Respondent(s)  
(With appln(s) for substituted service and office report)

Date: 12/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr.Gaurav Agrawal,Adv.

For Respondent(s)

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

Leave granted.

Legal representative of the respondent though  
duly served is not represented through counsel.

Heard learned counsel for the appellants.

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

(Madhu Bala) (Savita Sainani)  
Sr.PA Court Master

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5318 OF 2010  
(@ SLP(C)NO. 3804 OF 2007)

PRATAP SARNAIK & ORS. ....APPELLANTS

VERSUS

WAMAN NARAYAN BHAVE (D) THROU.LR. ...RESPONDENT

O R D E R

Leave granted.

Legal representative of the respondent though duly  
served is not represented through counsel.

Heard learned counsel for the appellants.

It is brought to our notice that as per the order dated 08.02.1999, the appellants/defendants 1,2 and 3 deposited Rs. 3 lacs and also furnished bank guarantee to the extent of Rs.1,10,000/- which is the total decreed amount. In view of the same, the defendants have to be given an opportunity to contest the matter on merits. On this ground, we set aside the impugned order of the High Court as well as the ex-parte decree dated 12.06.1997 in special case No. 990 of 1994 on the file of Second Joint Civil Judge,S.D., Thane. Accordingly, we permit the appellants/defendants to file written statement within a period of six weeks from the date of receipt of this order

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before the Trial Court and thereafter the learned Trial Judge is to proceed with the trial in accordance with law. The civil appeal is disposed of accordingly.

.....J  
[P. SATHASIVAM]

NEW DELHI  
12TH JULY, 2010

.....J  
[ANIL R. DAVE]