

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NOS.8, 9, 10 & 11 in CIVIL APPEAL NO. 837 OF 2007

K. BALRAJ (DEAD) BY LRS. & ORS.

Appellant(s)

VERSUS

J. NARAHARI RAO & ORS.

Respondent(s)

WITH

I.A. NO.12 and I.A. Nos.13-15 in I.A. No.7 in C.A. NO.837 OF 2007

O R D E R

Heard Mr. Dushyant Dave, learned senior counsel in support of I.A. Nos.8 & 9 which are taken out by Mr. K. Amarendra Reddy, and Mr. Naphade, learned senior counsel in support of I.A. Nos.13 to 15 which are taken out by M/s. Ashwani Constructions. All these I.As. seek to recall the order dated 7th September, 2012. The applications filed by M/s. Ashwani Constructions seek the Construction Company to be impleaded in the matter. Mr. K. Amarendra Reddy wants to come back in this appeal. He was respondent No.2 in the Special leave petition out of which this Civil Appeal has arisen. By virtue of the order dated 12th July, 2010, which was sought before the Chamber Judge, the said Mr. K. Amarendra Reddy was deleted from the array of parties to the proceeding. Thereafter, the Appeal arising out of the Special leave petition was sought to be withdrawn which was permitted by order dated 21st July, 2010. Subsequently, that order was sought to be replaced by an order of disposing of the Civil Appeal in terms of compromise arrived at amongst the remaining parties on 9th July, 2010, which order was passed on 7th September, 2012. Now the present I.As. have been filed for recall of the said order dated 7th September, 2012. Mr. Dave and Mr. Naphade point out that Mr. K. Amarendra Reddy was shown as contesting respondent No.2 in the Special Leave Petition as originally filed. He could not have been deleted from the proceeding and the other parties could not have arrived at a compromise. They submit that the compromise had affected his rights.

2. Mr. P.P. Rao, learned senior counsel appearing for the original appellants submits that it was for the appellants to decide as to who should be the respondents in the appeal and, therefore, the appellants sought deletion of the original respondent No.2 at the risk of the appellants. Mr. Altaf Ahmad, learned senior counsel appearing for one of the parties (J. Narhari Rao), drew our attention to the plaint leading ultimately to the present proceeding. We have seen the plaint. From that plaint, it cannot prima facie be said that Mr. K. Amarendra Reddy had no stake in the proceeding.

3. In the circumstances, we are constrained to clarify that the above referred Memorandum of Compromise will not affect the rights of Mr. K. Amarendra Reddy with respect to the property which was involved in the litigation. The order dated 7th September, 2012 is hereby

modified accordingly. In view of this order, all the I.As. shall stand disposed of.

(H.L. GOKHALE)

.....J

.....J
(J. CHELAMESWAR)

New Delhi;
August 8, 2013.

ITEM NO.1 COURT NO.11 SECTION XIIA

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

I.A. NOS.8, 9, 10 & 11 in CIVIL APPEAL NO. 837 OF 2007

K.BALRAJ (DEAD) BY LRS.& ORS. Appellant(s)

VERSUS

J.NARAHARI RAO & ORS. Respondent(s)

(For permission to file impleadment, recalling of Court's order dated 7.9.2012, for impleadment as party respondent and permission to file addl. documents and office report)

WITH

I.A. NO.12 and I.A. Nos.13-15 in I.A. No.7 in C.A. No.837/2007
(For exemption from filing O.T. and for permission to file appln. for impleadment and impleadment and to recall the Court's order dated 07.09.2012 in

Date: 08/08/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Appellant(s) Mr. P.P. Rao, Sr. Adv.
Mr. G. Seshagiri Rao, Adv.
Mr. Sridhar Potaraju, Adv.
Mr. Akshat Kulshreshta, Adv.

Mr. Dushyant A. Dave, Sr. Adv.
Mr. Shwatank Sailakwal, Adv.
Mr. Vipin Kumar Jai, Adv.

For Respondent(s) Mr. Altaf Ahmad, Sr. Adv.
Mr. L. Sudhakar Reddy, Adv.
Mr. Anis Ahmed Khan, Adv.

Mr. Shekhar Naphae, Sr. Adv.
Ms. Madhurima Tatia, Adv.

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

Order dated 7th September, 2012 is modified and all the I.As.
are disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed order is placed on the file)