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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.4897 OF 2006

AMBIKA PRASAD BAKSHI ...APPELLANT(s)  
VERSUS  
PRABHU DAYAL MALI AND ORS. ...RESPONDENT(s)  
O R D E R

Abatement is set aside.  
Delay condoned in filing substitution application.  
Application for substitution is allowed.  
Application for deletion of the name of Respondent  
No.12 is allowed.

We have heard learned counsel for the appellant.  
In the earlier round of litigation, this Court passed a  
judgment and order dated 18.12.1990 in Civil Appeal No.2272  
of 1972 followed by an order dated 14.09.1993 in a review  
petition filed in the aforesaid case.

In that earlier round of litigation, it was held by this  
Court that Babu Gokul Prasad had not become the occupancy  
tenant under the Madhya Pradesh Revenue Code of 1959 and,  
consequently, did not obtain Bhumiswamy rights.

Thereafter, a second round of litigation was initiated by  
the present appellant claiming under Babu Gokul Prasad  
through his widow Sardar Bahu on more or less same facts and

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praying for the same relief by instituting a suit for  
perpetual injunction. The civil suit was dismissed by the  
trial court and by the first appellate court as well as by  
the High Court in Second Appeal.

Since the matter has already gone through an earlier  
round of litigation and there are findings by three courts on  
facts against the appellant, we are not inclined to interfere  
with the impugned judgment and order.

The appeal is accordingly dismissed.

It may be mentioned that the appellant was dispossessed  
some time in 2008.

Pending application, if any, is disposed of.

.....J.  
(MADAN B. LOKUR)  
.....J.  
(PRAFULLA C. PANT)

NEW DELHI  
JANUARY 11, 2017

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ITEM NO.102 COURT NO.5 SECTION IV  
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(s).4897/2006  
AMBIKA PRASAD BAKSHI Appellant(s)

VERSUS  
PRABHU DAYAL MALI (DEAD) & ORS. Respondent(s)  
(with appln. (s) for substitution and c/delay in filing  
substitution appln. and setting aside an abatement and deletion of  
the name of respondent and office report)

Date : 11/01/2017 This appeal was called on for hearing today.

CORAM :  
HON&#39;BLE MR. JUSTICE MADAN B. LOKUR  
HON&#39;BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Ms. Kritika Khurana, Adv.  
Mr. Manish Kr. Choudhary, Adv.  
Ms. Namita Choudhary, AOR

For Respondent(s) Mr. A. P. Mohanty, AOR  
Mrs. Santosh Singh, AOR

Ms. Abha R. Sharma, AOR

Mr. Dihrendra Singh Parmar, Adv.

Ms. Sujeeta Srivastava, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Abatement is set aside.

Delay condoned in filing substitution application.

Application for substitution is allowed.

Application for deletion of the name of Respondent  
No.12 is allowed.

The appeal is dismissed in terms of the signed order.

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Pending application, if any, is disposed of.

(SANJAY KUMAR-I)

(JASWINDER KAUR)

AR-CUM-PS

COURT MASTER

(Signed order is placed on the file)