

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). 2581 OF 2005

CHANDER PRAKASH TYAGI Appellant (s)

VERSUS

SHRI BENARSI DAS (DEAD) BY LRS. Respondent(s)

(With appln(s) for exemption from filing O.T.,permission to file additional documents and office report )

WITH Civil Appeal NO. 2633 of 2005

(With appln(s) for exemption from filing O.T.,permission to file additional documents, prayer for interim relief and office report)

Date: 11/03/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Appellant(s) Mr. B.S.Chhahar,Sr.Adv.  
Mr. Sonal Jain,Adv.

For Respondent(s) Mr. Abhishek,Adv.for  
Mr. M.Qamaruddin,Adv.

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

Mr. Abhishek, learned counsel appearing for the respondents has raised preliminary objection regarding the maintainability of the appeal making reference to the nearly a Constitution Bench judgment in Udit Narain Singh Malpaharia vs. Additional Member, Board of Revenue, Bihar & Anr. AIR 1963 SC 786

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wherein it has been held that when an order passed by the Tribunal is under challenge, the Tribunal is a necessary party. At this juncture Mr. B.S. Chhahar, learned senior counsel appearing for the appellant, prayed for and is granted two weeks' time to file an application for impleadment of the necessary parties.

List these matters after the application of impleadment is filed.

[SUMAN WADHWA]  
COURT MASTER

[M.S. NEGI]  
COURT MASTER