

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2738/2007

(From the judgement and order dated 10/11/2006 in CRP No. 5251/2006 of the  
HIGH COURT OF A.P. AT HYDERABAD)

D. MUTHYALOO

Petitioner(s)

VERSUS

D. LAXMI BAI &amp; ORS.

Respondent(s)

(With prayer for interim relief)

Date: 01/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. P.S. Narasimha,Adv.  
Mr. M. Gireesh Kumar,Adv.  
Mr. Khwairakpam Nobin Singh,Adv.

For Respondent(s)

Mr. V.N. Raghupathy,Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard the learned counsel for the parties for about half an  
hour.The appeal is disposed of with directions as contained in the  
signed order.(A.S. BISHT)  
COURT MASTER(RADHA R. BHATIA)  
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CIVIL APPEAL NO. 4615 OF 2007  
[Arising out of SLP(C) No. 2738/2007]

D. MUTHYALOO

... APPELLANT(S)

:VERSUS:

D. LAXMI BAI AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

Although ordinarily we would not have interfered with the discretionary order passed by the learned Trial Court as also the High Court, but having regard to the peculiar facts and circumstances of the case, we are of the opinion that interest of justice would be subserved if the following directions are issued:

(1) The ex-parte decree passed in favour of the respondents shall be set aside subject to the condition that the appellant herein deposits a sum of Rs.25,000/- within four weeks before the learned Trial Judge.

(2) Respondents shall be entitled to withdraw the said amount.

(3) Appellant shall not adduce any further evidence. (4) The learned Trial Court shall fix a date of hearing within six weeks from the date of communication of this order. On that date, the witnesses examined on behalf of the respondents may be cross-examined.

-2-

(5) The learned Trial Judge shall take up the matter for hearing, if possible, on day-to-day basis and complete the hearing of the matter within ten weeks.

The appeal is disposed of with the aforementioned directions.

.....J  
(S.B. SINHA)

.....J  
(H.S. BEDI)

NEW DELHI,  
OCTOBER 1, 2007.