

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14710/2006

(From the judgement and order dated 21/04/1999 in FA No. 13/1984 of The HIGH COURT OF M.P AT INDORE)

BHURIBAI (D) TH. LRS. & ANR.

Petitioner(s)

VERSUS

REHDULLAH KHAN & ANR.

Respondent(s)

(With appln(s) for c/delay in filing SLP and exemption from filing O.T. and with prayer for interim relief and office report )

Date: 15/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Satish Kumar,Adv.  
Mr. Ashwani Bhardwaj,Adv.  
Mr. Santosh Kumar Mishra,Adv.

For Respondent(s) Mr. Puneet Jain,Adv.  
Ms. Archana Tiwari, Adv.  
Ms. Pratibha Jain, Adv.

UPON hearing counsel the Court made the following  
ORDER

Having regard to the fact that the petitioner was pursuing his remedy before the High Court in second appeal, which was held to be not maintainable, the delay of 2351 days is condoned.

Having heard learned counsel for the respective parties, we see no reason to interfere with the findings of the High Court, having particular regard to the frame of the suit filed by the petitioners herein. While, the basis of the suit filed by the petitioners is a Deed of Conveyance, and a separate Deed of Re-conveyance of the suit properties,

-2-

subject to payment of the sum indicated therein, the High Court has come to a finding on the evidence available that such payment had not been made by the petitioners to the respondents. The same being the very basis on which the suit was filed for the reliefs sought for, the High Court, in our view, had not committed any error in dismissing the First Appeal. Furthermore, the High Court has also taken care to indicate that the relief of the petitioners was for cancellation of the Deed of Sale, which was effected by the petitioners in favour of the respondent No.2, Begambai. It may also be recorded that the alleged receipt, on the basis of which the petitioners claim that the payment of sum of Rs.20,000/- had been made to the respondent No.2, has been held to be a forged document on which the thumb impression of Begambai has been forged. Since the very foundation of the suit has been held to have been forged and stands eroded, the relief sought for, was rightly refused by the High Court.

We, accordingly, dismiss the Special Leave Petition but there will be no order as to costs.

(Ganga Thakur)  
P.S. to Registrar

(Juginder Kaur)  
Court Master