

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 242 OF 1998

MARIAMMA KURIAN & ANR. APPELLANTS

VERSUS

NARAYANAN NAIR P. NAIR & ANR. RESPONDENTS

O R D E R

Heard learned Senior counsel for the appellants.
There is no representation on behalf of the respondents.
Under the impugned order, the High Court dismissed the application filed by the appellants under Section 152 of the Civil Procedure Code seeking amendment of the decree, which had otherwise become final. In the application, the appellants sought for amendment to the effect that the decree granted should have been confined to the second plaintiff alone and not to the first plaintiff.

..2/-

.2.
In our view, the High Court was right. Such an amendment of decree could not be allowed under Section 152 C.P.C. having regard to the contentions raised between the parties when the suit and appeals were contested on the said question.
This being the position, the appeal has no merit. Hence, it is dismissed. No costs.

.....J.
(SHIVARAJ V. PATIL)

New Delhi, (D.M. DHARMADHIKARI)J.
September 25, 2003.
ITEM NO. 111 COURT NO.8 SECTION XIA

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

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VERSUS

NARAYANAN NAIR P. NAIR & ANR. .. RESPONDENTS
(With appln.(s) for stay and with office report)

DATE: 25/09/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For appellant (s)Mr. T.L.V. Iyer, Sr. Adv.
Mr. Subramonium Prasad, Adv.
Mr. R. Gopalakrishnan, Adv.
Ms. Prachi, Adv.

For respondent (s)Ex-parte

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

Mr. T.L.V. Iyer, learned senior counsel for the appellants made his submissions for 15 minutes
. The appeal is dismissed in terms of the signed order. No costs.

Sarita(Shelly Sengupta)
Court Master

(Signed order is placed on the file)