

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6164/2006

(From the judgement and order dated 30/01/2006 in SA No. 1535/2005 of The  
HIGH COURT OF MADRAS)

KALAPATTI K.M. PONNUSAMY

Petitioner(s)

VERSUS

V.M. THANGAVELU &amp; ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 21/09/2007 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) Dr. A. Francis Julian, Sr. Adv.

Mr. Sumit Kumar, Adv.

Mr. Amit Kumar, Adv. for

M/S Arputham, Aruna &amp; Co., Adv.

For Respondent(s) Mr. U.U. Lalit, Sr. Adv.

Ms. V. Mohana, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeal is disposed of.

(S. Thapar)

PS to Registrar

(Pushap Lata Bhardwaj)

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4442 OF 2007  
(Arising out of SLP(C)No. 6164 of 2006)

Kalapatti K.M. Ponnusamy

Appellant (s)

Versus

V.M. Thangavelu &amp; Ors.

Respondent (s)

ORDER

Leave granted.

Having heard learned counsel for the parties, we are of the opinion that the appellant herein has indeed raised a substantial question of law in regard to the maintainability of the suit. The said substantial question of law, thus, should be formulated, by the High Court. In that view of the matter, we set aside the impugned judgment of the High Court and remand the matter to it for deciding the Second Appeal in accordance with law after formulating the said substantial question of law, as well as other substantial questions which may arise for its consideration. We would request the High Court to dispose of the Second Appeal on merits, as expeditiously as possible, preferably within six months from the date of communication of this Order.

The appeal is disposed of accordingly.

.....J.  
(S.B. Sinha)

New Delhi,  
September 21, 2007.

.....J.  
(H.S. Bedi)