

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

Petition(s) for Special Leave to Appeal (Civil) No.5105/2003

(From the judgement and order dated 04/02/2003 in IA 15/2001 in O.P. No. 2118 of 2000 of The IInd. Additional Chief Judge, City Civil Court at Hyderabad, Andhra Pradesh)

SRINATH PRASAD & ORS.

Petitioner (s)

VERSUS

NANDAMURI JAYAKRISHNA & ANR.

Respondent (s)

(With appln(s). for bringing on record the subsequent events and addl. documents, prayer for interim relief and office report)

With S.L.P. (C) No. 5582 of 2003
(With prayer for interim relief)

Transfer Petition (C) No. 212 of 2003
(With appln.(s) for ex-parte stay)

Date : 21/04/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. R.F. Nariman,Sr.Adv.
Mr. Krishan Venugopal,Adv.
Mr. A. Raghunath,Adv.

For Respondent (s) Mr. P.S. Mishra,Sr.Adv.
Ms. B.Sunita Rao,Adv.
Ms. Swarupa Reddy,Adv.

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

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S.L.P. (C) Nos.5105/2003 and 5582/2003:@@
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Ms. B. Sunita Rao, learned advocate, states that she appears for both the respondents.

Heard learned senior counsel for the parties for a while.

I.A. No.1 in S.L.P. (C) No. 5105 of 2003 is allowed.

Leave granted.

The civil appeals are disposed of.

No costs.

Transfer Petition (C) No. 212 of 2003:@@
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The learned senior counsel appearing for the petitioners seeks permission to withdraw the petition. It is, accordingly, dismissed as withdrawn.

(T.I. Rajput)
Court Master

(R.K. Kumar)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3637 of 2003@@
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(Arising out of S.L.P. (C) No. 5105 of 2003)

Srinath Prasad & Ors. ...Appellant (s)

Versus~

Nandamuri Jayakrishna & Anr.Respondent (s)

With Civil Appeal No. 3638 of 2003@@
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(Arising out of S.L.P. (C) No. 5582 of 2003)

O R D E R@@
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Heard the learned senior counsel on either side.
Leave granted.

In our view, it would be appropriate if I.A. Nos.18 of 2001 and 15 of 2001 in O.P. No. 2118 of 2000 are heard

together and disposed of on merits, as directed by the High Court of Andhra Pradesh in the impugned order dated 3rd January, 2003. It shall be open to the learned IInd Additional Chief Judge, City Civil Court, Hyderabad to secure the presence of the parties and/or the children, if need be, at the time of disposal of I.A. Nos.18/2001 and 15/2001 in O.P. No. 2118 of 2000 together.

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The impugned order dated 4th February, 2003 passed by the learned IInd Additional Chief Judge, City Civil Court, Hyderabad, is set aside, which is passed independently without considering the disposal of I.A. Nos.18/2001 and 15/2001 in O.P. No. 2118 of 2000 together.

The civil appeals are, accordingly, disposed of.
No costs.

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(Shivaraj V. Patil) @@
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.....J.@@
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(Arijit Pasayat)@@
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New Delhi,
April 21, 2003.