

Ú

SLP(C)No. 8853 OF 2003
ITEM No.38

Court No. 2

SECTION XII

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.8853/2003

(From the judgement and order dated 25/10/2002 in AS 790/88
of The HIGH COURT OF MADRAS)

N.R. KANDASAMY & ORS.

Petitioner (s)

VERSUS

VIJAYALAKSHMI & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 10/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)

Mr.R. Sundravardan,Sr.Adv.,
Mr. T.V. Ratnam,Adv.,
Mr.K. Subba Rao,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the petitioners.

In our view, the High Court has recorded a finding with regard to the immovable properties only and has granted a decree for partition of the said properties. That part of the order cannot be said to be in any way illegal or erroneous.

However, the learned counsel for the petitioners submits that there is a specific finding recorded by the trial court that Schedule B-2 properties (moveables) are not in existence and that finding recorded by the trial court is not disturbed yet the High Court has passed the order decreeing the suit as prayed for. It appears that there is some ambiguity with regard to the final order. Therefore, it would be open to the petitioners to approach the High Court for clarification by filing a review application. With these observations the special leave petition is disposed of.

(Vijay Kumar Sharma)
AR-cum-PS to Hon. Judge

(Janki Bhatia)
Court Master