

ITEM NO.3

COURT NO.10

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).9746/2013

(Arising out of impugned final judgment and order dated 27-12-2012 in CA No.11987/2012 in FA No.3507/2012 passed by the High Court Of Gujarat At Ahmedabad)

KANTILAL AMBALAL PATEL (D) BY LRS.

Petitioner(s)

VERSUS

INDIRABEN RATILAL ADHIA & ORS.

Respondent(s)

WITH SLP(C)No.10612/2013 (III)

Date : 21-11-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Mohit Chaudhary, Adv.
Ms. Puja Sharma, AOR
Mr. Balwinder Singh Suri, Adv.
Ms. Garima Sharma, Adv.
Mr. Kunal Sachdeva, Adv.
Mr. Imran Alli, Adv.

Ms. Shikha Sandhu, Adv.
Ms. Sadhana Sandhu, AOR

For Respondent(s) Mr. Huzefa Ahmadi, Sr. Adv.
Ms. Jesal Wahi, Adv.
Ms. Aruna Gupta, AOR

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

1. Heard learned counsel for the parties.
2. It appears that an appeal has been preferred by the appellant before the High Court, on the permission being granted to file the appeal, as he has set up his title. Though, the maintainability of the appeal was contested by the learned counsel appearing on behalf of the petitioner.

It was also submitted that the plaintiff could not have been compelled to join as the so called purchaser as a party in the suit, as such the appellant before the High Court had no right to maintain the appeal.

3. Since the appeal is pending before the High Court, we leave all the questions open, to be agitated at an appropriate stage, which will be decided in accordance with law by the High Court itself.

4. In case necessity arises to come to this Court, all the questions are kept open. Filing of these appeals would not come in the way of the petitioner(s).

5. In view of the above, the special leave petitions, along with pending applications, stand disposed.

(Sarita Purohit)
Court master

(Jagdish Chander)
Branch Officer