

| ITEM NO.127

COURT NO.7

SECTION IX

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

CIVIL APPEAL NO(s). 5311 OF 2005

THOMAS GONSALVES & ANR.

Appellant (s)

VERSUS

MANOHAR NAIK & ORS.

Respondent(s)

(With office report)

Date: 31/03/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s) Mr. Shyam Divan, Sr. adv.

Mr. Pratap Venugopal, Adv.

Mr. K.J. John, Adv.

for M/S. K.J. John & Co., Adv.

For Respondent(s) Mr. T.V.S. Raghavendra Sreyas, Adv.

For R-1 Mr. Nikhil Nayyar, Adv.

For R-2 & 3

Ms. A.Subhashini, Adv.

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

The impugned judgment and order is set aside and
the appeal is allowed in terms of the signed order. No
order as to the costs.

(Indu Satija)
Court Master

(Ajay Kr. Jain)
AR-cum-PS

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5311 OF 2005

Thomas Gonsalves & Anr.

....

Appellants

Versus

Manohar Naik & Ors.

....

Respondents

O R D E R

Heard learned counsel for the parties.

Learned counsel for the appellants submitted that
the facts of the present case are fully covered by the

decision of this Court in the case of Secretary, Malankara Syrian Catholic College Vs. T. Jose And Others (2007) 1 SCC 386.

Learned counsel for respondent No. 1 fully agrees with the statement of learned counsel for the appellants.

Following the decision of this Court in the case of Secretary, Malankara Syrian Catholic College (supra), we set aside the impugned judgment and order dated 10.02.2004 of the High Court and allow this appeal. No order as to the costs.

.....J.
(MARKANDEY KATJU)

.....J.
(A.K. PATNAIK)

NEW DELHI;
MARCH 31, 2010