

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.4467/2010

RABIABI (DEAD)

...Appellant(s)

VERSUS

SHAHABI (D) BY LRS . & ORS.

...Respondent(s)

W I T H

Civil Appeal No. 4466/2010

O R D E R

Civil Appeal No.4467/2010

1. Heard learned counsel appearing on both sides.
2. The learned counsel for the appellant would submit that as regards the directions Nos.1 and 2 in the impugned order, the parties got no grievance at all. Though, the learned counsel submitted that the direction Nos.3 and 4 of the impugned order require interference, after hearing the parties at length, we do not see any reason at all to interfere with such directions in exercise of power of this Court. The Civil Appeal is liable to be fail and accordingly, it is dismissed.
3. Pending application(s), if any, shall stand disposed of.

Civil Appeal No.4466/2010

1. The appellant, in the captioned appeal, claims to be the Power of Attorney Holder of appellant No.1,(Late) Rabiabi, in Civil

Appeal No.4467/2010. Indisputably, the question whether the appellant is the Power of Attorney Holder of the said appellant-Raibibi was held against him and moreover, it further held by the Trial Court that the persons who purchased the properties, allegedly under deeds executed on the strength of the Power of Attorney Holder granted by (Late) Rabiabi are not *bona fide* purchasers. It is also a fact that despite suffering from such findings the purchasers had not taken up the matter in appeal. In such circumstances, we have no hesitation to hold that even if the appellant-herein could establish that he was holding Power of Attorney, that would not ensure any right to pursue in this appeal, in the aforesaid circumstances. In that view of the matter the Civil Appeal Stands dismissed.

2. Pending application(s), if any, shall stand disposed of.

.....J.
(C.T. RAVIKUMAR)

.....J.
(RAJESH BINDAL)

NEW DELHI;
FEBRUARY 08, 2024.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal No.4467/2010

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Respondent(s)

(IA No. 158412/2022 - APPLICATION FOR SUBSTITUTION
IA No. 158416/2022 - CLARIFICATION/DIRECTION
IA No. 158414/2022 - CONDONATION OF DELAY IN FILING SUBSTITUTION
APPLN.
IA No. 158413/2022 - SETTING ASIDE AN ABATEMENT)

WITHC.A. No. 4466/2010 (IV-A)

Date : 08-02-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mrs. Kirti Renu Mishra, AOR

Mr. D.P. Chaturvedi, Adv.
Mr. Tarun Kumar Thakur, Adv.
Ms. Parvati Bhat, Adv.
Mr. Vivek Ram, Adv.
Mr. Abhay Choudhary M, Adv.
Ms. Anuradha Mutatkar, AOR

For Respondent(s) Mr. P.R. Ramasesh, AOR
Mr. Ankolekar Gurudatta, AOR
Mr. Sudhanshu S. Choudhari, AOR
Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. Rajesh Mahale, AOR

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. Samarth Kashyap, Adv.
Mr. Aman Banka, Adv.
Mr. V.N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.

Ms. Kiran Suri, Sr. Adv.
Mr. S.J. Amith, Adv.
Ms. Vidushi Garg, Adv.

Ms. Vidushi Garg, Adv.
Dr. Mrs. Vipin Gupta, AOR
Dr. (Mrs.) Vipin Gupta, AOR

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

1. The Civil Appeals Stand dismissed in terms of the Signed Order placed on the file.
2. Pending application(s), if any, shall stand disposed of.

(VIJAY KUMAR)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

ITEM NO.103

COURT NO.13

SECTION IV-A

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.4467/2010

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Ms. Vidushi Garg, Adv.
Ms. Vidushi Garg, Adv.
Dr. Mrs. Vipin Gupta, AOR
Dr. (Mrs.) Vipin Gupta, AOR

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

1. The Civil Appeals stand dismissed in terms of the Signed Order placed on the file.
2. I.A. No. 158412/2022- Application for substitution is disposed of.
3. I.A. 16882/2023- Application for transposition of respondent Nos. 4(a) to 4(c) and 4(e) to 4(f) as appellant Nos. 1 to 5 is disposed of.
4. Rest of the pending applications shall stand disposed.

(VIJAY KUMAR)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)