

SLP(C)No. 9375 OF 2000

ITEM No.203

Court No. 6

SECTION IX
A/N MATTER

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.9375/2000

(From the judgement and order dated 03/05/2000 in WP 2642/95
of The HIGH COURT OF BOMBAY)

WARIS ALI

Petitioner (s)

VERSUS

SHOHRAB VALI MOHAMED & ORS.

Respondent (s)

(With Appln(s). for substitution & with prayer for interim relief)
(For Final Disposal)
With SLP(C)No.10118/2001@@
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(With appln. for bringing on record the Lrs. of deceased R. No. 2
and exemption from filing c/c of the impugned judgment and
c/delay in filing SLP & appln. for c/delay in refiling SLP
& with prayer for interim relief & office report)
(For Final Disposal)

Date : 24/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Ms. Anjali Doshi, Adv.
in both the cases Ms. Ruchi Kohli, Adv.
for Mr. SK Jain, Adv.

For Respondent (s)
in SLP 9375/2000 Mr. Gopal Balwant Sathe, Adv.

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

Delay condoned.

Substitution allowed.

The appeals are allowed. There shall be
no order as to costs.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5670 OF 2001@@
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(Arising out of SLP (C) No. 9375/2000)

WARIS ALI

Appellant (s)

VERSUS

SHOHRAB VALI MOHAMED & ORS.

Respondent (s)

With C.A. No. 5671/2001 @ SLP(C)No.10118/2001@@
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O R D E R@@
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Leave granted.

Learned counsel for the parties stated that they have no objection if the order under challenge is set aside and the case is sent back to the trial court for decision on merits. In view of the aforesaid statement, the judgment under challenge is set aside and the matters are remitted to the trial court for decision on merits, including on the question of fraud on judicial side.

The appeals are allowed. There shall be no order as to costs.

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.....J.
(V.N. KHARE)

.....J.
(B.N. AGRAWAL)

NEW DELHI
AUGUST 24, 2001.