

SLP(C)No. 9391 OF 2000

ITEM No.32

Court No. 6

SECTION XII  
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.9391/2000

(From the judgement and order dated 03/12/1999 in SA 798/83  
of The HIGH COURT OF MADRAS)

GOVINDASWAMI PADAYACHI

Petitioner (s)

VERSUS

GOPAL PADAYACHI (D) BY LRS. & ANR.

Respondent (s)

( With Appln(s). for c/delay in filing SLP and bringing LRs on record )  
( With prayer for interim relief )

Date : 23/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. RC Pandey, adv. (SCLSC)

For Respondent (s) Mr. A Mariarputham, adv.  
Ms. Aruna Mathur, adv.  
Mr. S Selvaraju, adv.  
for M/s Arputham, Aruna & Co.

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

Delay condoned.

Leave granted.

The appeal is disposed of. There shall be  
no order as to costs.

.SP1

(Alka Dudeja)  
Court Master

(S. Krishnan)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1469 OF 2001@@  
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(Arising out of SLP (C) No. 9391/2000)

GOVINDASWAMI PADAYACHI ... Appellant (s)

VERSUS

GOPAL PADAYACHI (D) BY LRS. & ANR. ... Respondent (s)

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.

It is not disputed that respondent No. 2 herein died during pendency of Second Appeal No. 798/83. Consequently, in the absence of substitution of the deceased respondent, the appeal before the High Court abated. We, therefore, set aside the judgment under appeal and send the matter back to the High Court for disposal of the Second Appeal in accordance with law. However, it will be open to the parties to take steps for substitution, and if such step is taken, it would be considered in accordance with law. The status quo existing today shall continue during pendency of the Second Appeal before the High Court.

With the aforesaid directions, the appeal is disposed of. There shall be no order as to costs.

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.SP1

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

.....J.  
(N. SANTOSH HEGDE)

NEW DELHI  
FEBRUARY 23, 2001.