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SLP(C)No. 9311 OF 2000

ITEM No.29

Court No. 5

SECTION IVA
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.9311/2000

(From the judgement and order dated 10/05/2000 in SA 197/90
of The HIGH COURT OF M.P AT INDORE)

RAJENDRA VERMA (DEAD) BY LRS.

Petitioner (s)

VERSUS

SHIV SHARAN SINGH

Respondent (s)

(With Appln(s). for permission to submit additional document(s)
& urging addl. grounds & with prayer for interim relief)
With

SLP(C)No.9312/2000 - with appln. for exemption from filing OT
and dismissal/abatement of SLP & with prayer for interim relief

SLP(C)No.9313/2000 - with appln. for exemption from filing OT &
with prayer for interim relief

Date : 09/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Dr.Rajeev Dhawan,Sr.Adv.
Mr.S.K. Gambhir,Sr.Adv.
Mr. H.K. Puri,Adv.
Mr. S.K. Puri,Adv.
Mr. Rajesh Srivastava,Adv.
Mr. Ujjwal Banerjee,Adv.
Mr. Harpreet Singh Sandhu,Adv.

For Respondent (s) Mr. A.K. Chitale,Sr.Adv.
Dr. Sumant Bhardwaj,Adv.
Mr. Sunil Goyal,Adv.
Ms. Mridula Ray Bharadwaj,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.

In S.L.P.9311 & 9313/2000 : I.As are allowed.@@
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Leave granted.

Interim order is confirmed.

It is stated at the bar that the arrears of rent
has been deposited by the appellants before the trial
Court at Indore. If it is so, it will be open to the
respondents to withdraw the said amount without

furnishing any security.

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In S.L.P.(C)No. 9312/2000@@
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Leave granted.

The appeal is disposed of.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order in S.L.P.(C)No.9312/2000 is placed
on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4028 OF 2001@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE
(Arising out of S.L.P.(C)No. 9312/2000)

Rajendra Verma (Dead) by L.Rs.

Appellant (s)

versus

Uday Singh & Anr.

Respondent (s)

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

Leave granted.

It is not disputed that Uday Singh died on 16.10.1996. It is also not disputed that no substitution application was filed for bringing on record the heirs of Uday Singh before the High Court. The High Court decided the matter on 10.5.2000. In absence of any substitution application, the appeal, in fact, has abated and the appeal did not call for dismissal on merits. Under such circumstances, we set aside the judgment under appeal and send the case back to the High Court. However, it will be open to the appellants to move an application for substitution before the High Court which shall be dealt with in accordance with law.

The appeal stands disposed of in the above terms.

.SP1

.....J
(V.N. Khare)

New Delhi,
July 09, 2001.

.....J
(Doraiswamy Raju)