

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). 4619-4633 OF 2004

NAMDEO & ORS.

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

Date: 24/08/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CYRIAC JOSEPH
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. S.Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Praseena E.Joseph, Adv.
M/S. Lawyer'S Knit & Co,Adv.

For Respondent(s)

Mr. Shankar Chillarge, Adv.
Ms. Asha Gopalan Nair,Adv.

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

The appeals are allowed in terms of the signed order.

(Shashi Sareen)
Court Master

(Sharda Kapoor)
Court Master

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

CIVIL APPEAL NOS. 4619-4633 OF 2004

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... Appellant(s)

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STATE OF MAHARASHTRA

... Respondent(s)

O R D E R

1. In these appeals leave was granted on 26.07.2004.

While granting leave, this Court had directed that these

appeals should be taken up along with Civil Appeal Nos. 92-

105 of 2004. However, it is mentioned by the learned

counsel for the appellants that when Civil Appeal Nos. 92-105 of 2004 were posted for hearing, these appeals were left out by mistake and hence could not be heard and disposed of along with them. It is also submitted by the learned counsel for the appellants that Civil Appeal Nos. 92-105 of 2004 were allowed by this court as per the judgment dated 15th April, 2009 reported in 2009 (6) SCR 632. As per the said judgment, the appeals were allowed and the judgment of the High Court was set aside and consequently the order of the Reference Court was restored. Learned counsel submits that in view of the above judgment in Civil Appeal Nos. 92-105 of 2004, these appeals also may be

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allowed as the issues raised in these appeals are the same as those which were raised in the disposed of appeals and the order impugned in these appeals and the order impugned in Civil Appeal Nos. 92-105 of 2004 are the same.

2. Learned counsel for the respondents does not dispute that the impugned order is the same in both set of civil appeals and that the issues raised in these appeals are covered by the decision in Civil Appeal Nos. 92-105 of 2004.

4. In the light of the above submissions and in view of the decision in Civil Appeal Nos. 92-105 of 2004, we allow these appeals with costs and set aside the impugned judgment of the High Court. The order of the Reference Court stands restored. Counsel's fee assessed at Rs. 25,000/-

.....J.
(CYRIAC JOSEPH)

.....J.
(T.S.THAKUR)

New Delhi,
August 24, 2011.