

ITEM NO.20

Court No 5

SECTION IX

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(s).10602/2014

(From the judgement and order
of The HIGH COURT OF BOMBAY)

dated 07/01/2014 in SA No.21251/2013

BABAN TATYABA SHINDE & ANR

Petitioner(s)

VERSUS

SHATRUGHAN GANPATRAO SURYAVANSHI & ANR

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment,exemption from filing O.T. and prayer for interim relief)

Date: 05/05/2014

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Dilip Annasaheb Taur,Adv.
Mr. Anil Kumar,Adv.

For Respondent(s)

Mr. Aman Vachhor,Adv.
Mr. Ashutosh Dubey,Adv.
Mr. Harsh Sharm,Adv.
Mr. Abhishek Chauhan,Adv.
Mr. P.N. Puri,Adv.UPON hearing counsel the Court made the following
O R D E R

Heard.

Learned counsel for the petitioners submits that the

dismissal of the suit filed by them was challenged in RCA No.10

of 2012. RCA No.11 of 2012 referred to in the First Appellate

Court's order (at page no.163 of Annexure P-14 of the SLP paper

book) was filed by the petitioners against the judgment and order

of the trial court by which the counter claim filed by the

defendant had been decreed. He submits that because the First

Appellate Court had allowed RCA No.10 of 2012, the petitioners

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had succeeded before the said court.

A reading of the order

passed by the High Court however shows that Second Appeal (ST)

No.21251 of 2013 was directed against the judgment of the trial

court and the first appellate court which concurrently dismissed

the suit filed by the plaintiff-petitioners. The confusion

arising out of the above can be cleared only from copies of memos filed by the petitioners in RCA No.10 of 2012 and that filed in RCA No.11 of 2012.

The petitioners prays for and are granted four weeks time for filing the copies of the memo of appeals, including memo of the second appeal, filed before the High Court.

Post after the needful is done.

(Mahabir Singh)
Court Master

(Suneet Mahajan)
Court Master