

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
I.A.Nos.3-6 IN CIVIL APPEAL NO(s). 4426 OF 2011

LALITESHWAR PRASAD SINGH & ORS.

Appellant (s)

VERSUS

S.P.SRIVASTAVA(D) TR.LR.

Respondent(s)

(With appln(s) for directions and exemption from filing O.T. and revocation of leave and office report)

Date: 18/02/2013 These I.As were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Mr. S.K. Bhattacharya, Adv.
Mr.Suresh Bharti, Adv.
Mr.Niraj Bobby Paonam, Adv.

For Respondent(s) Mr.Pallav Shishodia, Sr.Adv.
Mr. Amit Pawan, Adv.

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

The respondents in C.A. No.4426/2011 have filed I.A. Nos. 3 and 4 of 2013 for grant of declaration that the appeal has abated in its entirety. They have also filed I.A. Nos.5 and 6 for revocation of order dated 10.5.2011 by which leave was granted. Along with the applications, the applicants have annexed copies of various orders passed by the trial Court and the Patna High Court.

We have heard learned counsel for the applicants and carefully perused the record.

In our view, there is no warrant for entertaining I.A. Nos. 3 and 4 at this stage because the question whether the appeal stands abated in its entirety simply because the name of respondent No.2 was deleted at the instance of the appellants, cannot be decided without hearing the main appeal.

Likewise, the prayer made in I.A. Nos. 5 and 6 cannot be granted because entertaining of the same would require full dressed hearing of the main appeal.

With the above observations, the applications are dismissed.

Hearing of the appeal is expedited.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master