

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
IA 2/2008 in CIVIL APPEAL NO. 5025 OF 2009

KARNATAKA POWER TRANSMISSION CORPN.LTD.

Appellant (s)

VERSUS

RAJAMMA & ORS Respondent(s)
(With appln(s) for bringing on record the lrs. of deceased respondent
and prayer for interim relief and office report)

Date: 03/09/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Appellant(s) Mr.S.K. Kulkarni,Adv.
Mr. M.Gireesh Kumar,Adv.
Mr. Vijay Kumar,Adv.

For Respondent(s) Mr.Shanth Kr.V.Mohale,Adv.
Mr.Harisha S.R. Hebbar,Adv.
Mr. Rajesh Mahale,Adv.
Mr.K.Uma Shankar,Adv.
Mr.Rajesh Singh,Adv.

UPON hearing counsel the Court made the following
ORDER

This Interlocutory Application 2 of 2008 has been filed in the appeal
for bringing on record the legal representatives of the respondent No.2
who had died on 23.8.2000, long before the filing of the Special Leave
Petition and during the pendency of the appeal being, MFA No.2014 of
1999, in the High Court.

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Learned counsel appearing in support of I.A. No.2 submits that
although the names of the legal representatives of the respondent no.2
had not been brought on record of MFA No.2014 of 1999, out of which the
present appeal arises, their names had been brought on record in
connection with the another appeal, being MFA No. 1442 of 1999, before
the High Court. He has accordingly prayed that since the legal
representatives of the respondent No.2 had been brought on record in the

connected appeal, their names should also be brought on record in the present appeal.

The submissions of learned counsel for the appellant is opposed by learned counsel appearing for the respondent on the ground that since the respondent No.2 had died during the pendency of the appeal in the High Court and his legal representatives were not brought on record, the said appeal had, in fact, abated as against the said respondent. The prayer made for bringing on record the legal representatives of the said respondent is, therefore, not maintainable and is liable to be dismissed.

Having heard learned counsel for the petitioner and the respondent no.1, we agree with the submissions made by the learned counsel for the respondent and we are unable to grant the prayer made in the aforesaid application. On the other hand, since the appeal before the High Court had been disposed of against the respondent No.2, who was already dead, the instant appeal is also not maintainable as far as the said respondent no.2 is concerned.

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Accordingly, while dismissing the application for bringing on record the legal representatives of the respondent No.2 Mohammed Ibrahim, we also indicate that the appeal has abated as far as the respondent no.2 is concerned.

(Kusum Syal)
Sr.P.A

(Juginder Kaur)
Court Master