

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). 335 OF 2003

D.V. CHANDRASHEKAR & ANR.

Appellant (s)

VERSUS

LAKSHMAMMA & ORS.

Respondent(s)

(With appln. for intervention/Impleadment and substitution of respondent and permission to file additional documents and with office report)

Date: 20/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Appellant(s) Mr. Amarendra Sharan, Sr. Adv.
Mr. Shanth Kr.V. Mahale, Adv.
Mr. Harish S.R., Adv.
Mr. Rajesh Mahale, Adv.

For Respondent(s) Mr. P.V. Shetty, Sr. Adv.
For LRs of R-4 Mr. Senthil Jagadeesan, Adv.

For R.No.3 Mr. S.K. Kulkarni, Adv.
Mr. Ankur S. Kulkarni, Adv.
Mr. M.Gireesh Kumar, Adv.
Mr. Khwairakpam Nobin Singh, Adv.

Mr. Gurukrishna Kumar, Adv.
Ms. Mamta Chandel, Adv.
Mr. Anish Paul, Adv.

For R.No.2 Mr. S.R. Setia, Adv.

For Applicant Mr. Subramonium Prasad, Adv.
Mr. V. Ramasubramanian, Adv.

...2/-

-2-

UPON hearing counsel the Court made the following

O R D E R

Heard all the parties.

Delay condoned and application for substitution of respondent no. 4 is allowed.

I.A.No.6 is dismissed as withdrawn.

The appeal is disposed of in terms of the signed order.

[Madhu Bala]
Sr.PA

[Savita Sainani]
Court Master

(Signed order is placed on the file)

IN THE SUPRME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

D. V. CHANDRASHEKAR & ANR.

...APPELLANT(S)

VERSUS

LAKSHMAMMA & ORS

...RESPONDENT(S)

O R D E R

Heard all the parties.

Delay condoned and application for substitution of respondent no. 4 is allowed.

On going through the impugned order of the High Court, we are of the view that while disposing of Regular First Appeal the High Court has not adverted to the mandatory provisions of Order XLI Rule 31 CPC. Without adverting to the pleadings of the parties and determining points for consideration as well as discussing the issues relating to the facts and law, disposed of the regular appeal by confirming the dismissal of the suit. In series of decisions of this Court has pointed out the procedure to be followed in disposal of appeals vide 2011 (4) SCC 240 - Civil Appeal No. 6956 of 2004 H. Siddiqui (Dead) by Lrs. Vs. A. Ramalingam. In view of the said infirmity, we set aside the impugned order of High Court and remand the same for fresh disposal.

All the parties are directed to appear before the High Court through their counsel on 16th August, 2011 and permitted to place all the relevant materials which are permissible under law.

...2/-

-2-

Without expressing anything on merits of the claim made by the parties concerned, we remit the matter to High Court and request the High Court to restore the regular first appeal no. 489 of 1999 on its file and dispose of the same within a period of three months from 16th August, 2011.

I.A.No.6 - Learned counsel seeks permission to withdraw the application for impleadment with liberty to vindicate their grievance before the appropriate forum. Permission is granted. I.A is dismissed as withdrawn.

The civil appeal is disposed of accordingly.

.....J.
[P. SATHASIVAM]

NEW DELHI
20TH JULY, 2011

.....J.
[DR. B.S. CHAUHAN]