

\220%

SLP(C)No. 12504 OF 2000
ITEM No.5

Court No. 9

SECTION XIA
A/N MATTER

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.12504/2000

(From the judgement and order dated 12/06/2000 in CRP 957/92
of The HIGH COURT OF KERALA AT ERNAKULAM)

VALIYAPARAMBATHU KHADER

Petitioner (s)

VERSUS

V.C. RAMACHANDRAN NAMBIAR & ORS.

Respondent (s)

(With prayer for interim relief and Office Report)
(For Final Disposal)
With

SLP(C)No.18182-18183/2000 (With appln. for permission to place
addl.documents on record and exemption from filing O.T. and
with prayer for interim relief and Office Report)
(For final disposal)

Date : 17/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s)

Mr.K.Sukumaran,Sr.Adv.,
Mr B V Deepak,Adv.,
Ms.Karthika,S.Adv.,
Mr.N.R. Shonker,Adv.for
M/s.TTK Deepak & Co.

Mr.B.V. Deepak,Adv.

For Respondent (s)

Mr. K.M.K. Nair,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

The impugned orders passed by the High Court are set
aside and the matters remitted back to the High Court for
deciding afresh on merits. The appeals shall stand disposed
of accordingly. There will be no order as to costs.

.SP1

(Vijay Kumar Sharma)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file.

.PA

.PL55

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4323 OF 2001@@

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP (C) No.12504/2000)

VALIAPARAMBATHU KHADER

Appellant

Versus

V.C. RAMACHANDRAN NAMBIAR & ORS.

Respondents

WITH@@
CCCC

CIVIL APPEAL NOS. 4324-4325 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP (c) 18182-183/2000)

RATNAVATHI @ REMANI & ORS.

Appellants

Versus

V.C. RAMACHANDRAN NAMBIAR & ORS.

Respondents

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....J.....
.SP2

Leave granted.

Heard the learned counsel for the parties.

Learned counsel for the appellants pointed out that the appellants are the small land holders or cultivating tenants and in view of The Kerala Stay of Eviction Proceedings Act, 1998, appellants cannot be evicted. Learned counsel for the appellants further

.PA

:-2:-

submitted that the High Court as well the Board has not considered the relevant documents which were in favour of the appellants showing that the appellants were the tenants prior to 1964.

CA 4323/2001.@@

CCCCCCCCCCCC

In view of the Kerala Stay of Eviction Proceedings Act 1998, the matter requires to be considered afresh by the High Court. Hence, the impugned orders passed by the High Court are set aside and the matters are remitted back to the High Court for deciding afresh on merits in accordance with law. It would be open to the appellant to raise all other contentions which are raised in this petition on merits.

The appeals shall stand disposed of accordingly. There will be no order as to costs.

.SP1

.....J.
(M.B. Shah)

.....J.
(DORAISWAMY RAJU)

New Delhi,
July 17, 2001