

\210 IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.901/2017

(@Petition(s) for Special Leave to Appeal (C) No(s).16236/2013)

AMIRA A. RAZAQ & ORS. APPELLANT(s)

VERSUS

VINAYAK R.D.P. LOUNDO Respondent(s)

WITH

SPECIAL LEAVE PETITION (CIVIL) No. 19583/2013

VINAYAK R.D.P. LOUNDO Petitioner(s)

VERSUS AMIRA A. RAZAQ & ORS. Respondents(s)

O R D E R

SPECIAL LEAVE PETITION(CIVIL) No. 19583/2013:-

We have heard Mr. Sanjeev Sen, learned Senior counsel appearing for the petitioner â- Vinayak R.D.P. Loundo - tenant. After having heard the learned Senior counsel appearing for the petitioner â- tenant and carefully perusing the material available on record, we find no reason to interfere with the impugned order passed by the High Court of Bombay so far as it rejected the contention of the petitioner herein as to the applicability of Article 137 of the Limitation Act and the effect of non-joinder of the legal heirs of the original tenant. Accordingly, the Special Leave Petition stands dismissed.

CIVIL APPEAL NO.901/2017

(@SPECIAL LEAVE PETITION(CIVIL) No. 16236/2013):-

Leave granted.

We have heard the learned Senior counsel appearing for the parties.

After carefully perusing the material available on record, we find that it was not appropriate on the part of the High Court to quash and set aside the well reasoned Judgment dated 21-3-2011 of

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the learned Tribunal, dismissing the Eviction Appeal No.10/2007 filed by the respondent (tenant) â- herein, with a direction to the said Tribunal to decide the appeal afresh after hearing the parties in the light of the observations made therein.

Thus, we set aside the impugned Judgment of the High Court.

As a consequence thereof, the appellants are at liberty to take steps in accordance with the provisions of law.

The Appeal is allowed in the afore-stated terms.

.....J

(PINAKI CHANDRA GHOSE)

.....J

(ROHINTON FALI NARIMAN)

NEW DELHI;

24TH JANUARY, 2017.

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ITEM NO.6

COURT NO.6

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 (C) No(s). 16236/2013

(Arising out of impugned final judgment and order dated 05/03/2013

in WP No. 777/2011 passed by the High Court Of Bombay At Goa)

AMIRA A. RAZAQ & ORS. Petitioner(s)

VERSUS

VINAYAK R.D.P. LOUNDO Respondent(s)

(With interim relief and office report)

WITH

SLP(C) No. 19583/2013

(With Office Report)

Date: 24/01/2017 These petitions were called on for hearing today.

CORAM :

HON&#39;BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON&#39;BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. Amarendra Sharan, Sr. Adv.  
Ms. Binu Tamta, AOR  
Mr. Dhruv Tamta, Adv.

Mr. Sanjeev Sen, Sr. Adv.  
Mr. Ninad Laud, Adv.  
Mr. Karan Mathur, Adv.  
Mr. Anjuman Tripathy, Adv.  
Mr. Jayant Mohan, AOR

For Respondent(s)  
Mr. Chander Shekhar Ashri, AOR (Not Present)  
Mr. Sanjeev Sen, Sr. Adv.  
Mr. Ninad Laud, Adv.  
Mr. Karan Mathur, Adv.  
Mr. Anjuman Tripathy, Adv.

Mr. Jayant Mohan, AOR  
UPON hearing the counsel the Court made the following  
O R D E R

Petition for Special Leave to Appeal (C) No(s). 16236/2013:-  
Leave granted.

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The appeal is allowed in terms of the signed order  
Petition for Special Leave to Appeal (C) No. 19583/2013:-  
The Special Leave Petition stands dismissed in terms of the  
signed order .

(VISHAL ANAND) (NEELAM KANTA VIG)

COURT MASTER COURT MASTER

(Signed Order is placed on the file)