

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).2871 OF 2021

SHIVARAMAN

Appellant(s)

VERSUS

BALARAMAN (DEAD) THR. LRS. & ORS.

Respondent(s)

WITH

C.A. No. 2872-2875 Of 2021

O R D E R

The present appeals arise out of an order passed by the High Court of Kerala on 08.11.2011 whereby an order passed by the First Appellate Court remanding the matter to the Trial Court was set aside after giving detailed reasons in respect of validity of purchase certificate issued to the appellant. The First Appellate Court was directed to decide the appeal on merits after setting aside the order of the First Appellate Court remanding the matter to the Trial Court.

We find that the order of remand by the First Appellate Court has rightly been interfered with but not after recording detailed reasons.

In the interest of justice, the order of the High Court dated 8.11.2011 and the Judgment of the First Appellate Court dated 25.01.2003 are set aside and the matter is remitted to the First

Appellate Court to decide all questions of law and facts arising between the parties, in accordance with law.

However, it shall be open to the First Appellate Court, if it finds necessary to permit the parties to lead additional evidence or to seek report from the Trial Court as it may consider appropriate but decide the appeal expeditiously on merits, preferably within a period of six months in view of the fact that the appeal pending since the year 1999.

We may clarify that nothing in the order of the High Court or First Appellate Court shall be taken into consideration while deciding the appeals on merits by the First Appellate Court.

The appeals are disposed of in above terms.

Pending application(s), if any, also stand disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[A.S. BOPANNA]

NEW DELHI;
10th AUGUST, 2021.

