

C.A.No. 6454 OF 1997

ITEM No.105

Court No. 9

SECTION XVII

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. 6454 of 1997

ASAGAR Appellant (s)

VERSUS

MAINA DEVI (DEAD) BY L.RS. & ANR. Respondent (s)

Date : 04/09/2003 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Sujit K. Singh,Adv.
Mr. S.B. Upadhyay,Adv.

For Respondent (s)Mr. Pramod Swarup,Adv.
Mr. Praveen Swarup,Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard the learned counsel for the parties for
a while.

The civil appeal is dismissed as having become
infructuous.

No costs.

[T.I. Rajput] [Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6454 OF 1997

Asagar ...Appellant(s)

Versus

Maina Devi (Dead) By L.Rs. & Anr. ...Respondent(s)

O R D E R

When we took up the appeal for hearing, the learned counsel for the respondents submitted that after the impugned judgement was passed by the High Court, the appellant has filed a partition suit, No.20 of 1999, in the court of the Sub-Judge, Giridih and, therefore, the appeal has become infructuous as the appellant, pursuant to the impugned judgement, has already taken steps by filing the suit afore-mentioned. The learned counsel for the appellant submitted that in spite of his best efforts to contact the appellant, he was not able to get in touch with him.

However, he submitted that in the light of the submission made by the learned counsel for the respondents and looking to the copy of the plaint in the said suit, the appeal may not survive. This being the position, it is unnecessary for us to examine the appeal on the merits of the contentions raised. Hence, the civil appeal is dismissed as having become infructuous, in the light of what is stated above,

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]
New Delhi,
September 04, 2003.