

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). 1831 OF 2005

PRAMILABAI & ANR. Appellant (s)

VERSUS

NIRANJANABAI Respondent(s)

(With office report )

Date: 29/11/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Appellant(s) Ms. Anagha Desai, Adv. for  
Mr. Venkateswara Rao Anumolu, Adv.

For Respondent(s) Dr. Kailash Chand, Adv.

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

Appeal is dismissed in terms of signed order. No costs.

(Pardeep Kumar)		(Renu Diwan)	
Court Master		Court Master	

[SIGNED ORDER IS PLACED ON THE FILE ]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO. 1831 OF 2005

| PRAMILABAI & ANOTHER

|...| APPELLANT(s) |

| Versus |

| NIRANJANABAI

|...| RESPONDENT(s) |

O R D E R

We have heard Ms. Anagha Desai, learned counsel for the appellants.

The order of remand passed by the High Court with a direction to the Trial Court for appointment of the Commissioner is in the interest of justice having regard to the controversy involved in the matter and, therefore, does not call for any interference. However, it is clarified that after the fresh inspection report is received from the Commissioner, the Trial Court shall decide the suit afresh after hearing the parties and it will be open to the aggrieved party to challenge the said judgment and decree before the appropriate forum.

: 2 :

With the above clarification, Civil Appeal is dismissed. No order as to costs.

.....J.  
(R.M. LODHA)

.....J.  
(ANIL R. DAVE)

NEW DELHI  
NOVEMBER 29, 2012.