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SLP(C)No. 14904 OF 2000

ITEM No.17

Court No. 6

SECTION IX  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.14904/2000

(From the judgement and order dated 28/06/2000 in LPA 5/95  
of The HIGH COURT OF BOMBAY AT GOA)

P. CUSUM @ JANKIBAI R. USGAOKAR & ANR.

Petitioner (s)

VERSUS

GOVIND MAHADEV BANDEKAR(DEAD)BY LRS &ANR

Respondent (s)

(With prayer for interim relief)

Date : 21/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr.Khwairakpam Nobin Singh,Adv.

For Respondent (s) Mr. Prashant Kumar, Adv.  
Mr. Rajiv Nanda,Adv.

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

Leave granted.

The appeal is allowed. There shall be no  
order as to costs.

.SP1

(Alka Dudeja)  
Court Master

(S. Krishnan)  
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6600 OF 2001@@  
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(Arising out of S.L.P.(C) No. 14904/2000)

P. CUSUM @ JANKIBAI R. USGAOKAR & ANR. .. Appellant (s)

VERSUS

GOVIND MAHADEV BANDEKAR(DEAD)BY LRS &ANR .. Respondent (s)

O R D E R@@  
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Leave granted.

It is conceded that no Letters Patent Appeal lies against the judgment and order passed by the learned single Judge in exercise of power under Article 227 of the Constitution. In view of that matter, the appeal filed by the respondent before the High Court of Bombay was not maintainable. Under such circumstances, we set aside the judgment and order under challenge.

The appeal is allowed. There shall be no order as to costs.

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.SP1

.....J.  
(V.N. KHARE)

.....J.  
(B.N. AGRAWAL)

NEW DELHI  
SEPTEMBER 21, 2001.