

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8316 OF 2009
(Arising out of SLP (Civil) No.10783/2006)

BALAKRISHNAN (D) BY LRS.

Appellant (s)

VERSUS

KRISHNAMMAL

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The respondent herein filed second appeal No.1203 of 1993 before the High Court. Learned counsel for the respondents in the second appeal (appellants herein) could not be present for the hearing of the second appeal as he was allegedly indisposed. The High court recorded the absence of counsel for the respondent and allowed the second appeal. The said judgment is challenged in this appeal by special Leave.

It may not be necessary to refer to the merits of the case. The appellants herein had engaged a counsel before the High Court, but due to his indisposition he could not appear on that day. The appellants have several arguments on the question of law that arises for consideration. The other side also wants to traverse the same. We are therefore, of the view that the appellant should have a chance to place their submissions before the High Court.

We therefore allow this appeal, set aside the impugned judgment and decree of the High court and restore the second appeal to file. The High court is requested to hear the parties and dispose of the appeal expeditiously.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI
DECEMBER 14, 2009
ITEM NO.42

COURT NO.5

.....J.
[K.S. RADHAKRISHNAN]
SECTION XII

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 (Civil) No(s).10783/2006

(From the judgement and order dated 22/03/2006 in SA No.
1203/1993 of The HIGH COURT OF MADRAS)

BALAKRISHNAN (D) BY LRS. Petitioner(s)

VERSUS

KRISHNAMMAL Respondent(s)

(With appln(s) for permission to file additional documents and
prayer for interim relief and office report)

Date: 14/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Ms. Indu Malhotra, Sr.Adv.
Mr. Saurabh Mishra, Adv.
Mr. L.J. Krishnamurthy, Adv.
Mr. Vikas Mehta, Adv.

For Respondent(s)
Ms. Srikala Gurukrishna Kumar, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

We therefore allow this appeal, set aside the impugned
judgment and decree of the High court and restore the second
appeal to file. The High court is requested to hear the parties
and dispose of the appeal expeditiously.

(O.P. Sharma)
court Master

(M.S. Negi)
Court Master

(signed order is placed on the file.)