

\210

C.A.No. 12383 OF 1996
ITEM No.110

Court No. 11

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.12383 of 1996

Krishnan Nandan Singh & Ors. Appellant(s)

VERSUS

Mahenda Singh & Ors. Respondent(s)
(With appln. for stay)

Date : 24/09/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE S.B. SINHA

For Appellant (s)Mr. S.B. Sanyal, Sr.Adv.
Mr. Ranjan Mukherjee, Adv.

For Respondent (s)Mr. Huzefa Ahmedi, Adv.
Mr. Ejaz Maqbool, Adv.

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

The appeal is disposed of in terms of the signed order.
No order as to costs.

(N. Annapurna)
Court Master

(Radha R. Bhatia)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.12383 OF 1996

Krishna Nandan Singh & Ors.
...Appellants

Versus

Mahendra Singh & Ors.
...Respondents

O R D E R

The learned counsel for the parties are agreed that the order of the Executing Court as well as that of the High Court be set aside and the case be remitted back to the Executing Court for a fresh decision on the execution application filed by the respondents - transferees from the decree-holders. We order accordingly.

The appellants shall be at liberty to raise all objections available to them, including the question of maintainability of the execution application before the Executing Court. Counsel for the parties are directed to appear before the Executing Court after eight weeks, i.e. on 27th November, 2003.

Since this matter pertains to a decree of 1952, we would request the Executing Court to dispose of the execution

....2/-

-2-

application expeditiously, preferably within six months from 27th November, 2003.

The appeal is disposed of accordingly.

No order as to costs.

(ASHOK BHAN)

.....J.

.....J.

(S.B. SINHA)

New Delhi,
September 24, 2003.