

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.7402/2000

(From the judgement and order dated 08/03/1999 in SA 313/85
of The HIGH COURT OF BOMBAY AT NAGPUR)

RAMABAI (DEAD) BY LRS.

Petitioner (s)

VERSUS

MORESHWAR (DEAD) BY LRS.

Respondent (s)

(With Appln(s). for c/delay in filing SLP and deletion of the name of
respondent N.2)

Date : 03/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. S.V. Deshpande,Adv.

For Respondent (s) Mr. Abhijit Sen,Adv.
Mr. Raghvendra Srivatsa,Adv.
Mr. Abhijit Sengupta,Adv.

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

.....L.....I..T.....T.....T.....T.....T.....T.....T.....J

Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(S.Sen Gupta)
Court Master

(Signed order is placed on the file)

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.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. of 2000@@
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(Arising out of S.L.P. (C) No.7402 of 2000)

Ramabai (Dead) by L.Rs. ...Appellant (s)

Versus~

Moreshwar (Dead) by L.Rs.Respondent (s)

O R D E R@@
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....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

.SP2
The notice on the special leave petition was issued

.....L.....T.....T.....T.....T.....T.....T.....J

.SP1
"...to show cause why the impugned judgment should not be set aside on the ground that the original plaintiff No.2-respondent No.4 in the second appeal who died pending the second appeal and when his heirs were not brought on record the second appeal had abated. Notice to issue on the application for condonation of delay also."

....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

.SP2
Having heard learned counsel, we take the view that the order under challenge should be set aside and the matter restored to the High Court for re-consideration. We express no view on the aspect of abatement or otherwise.

The civil appeal is allowed. The appeal (Second Appeal No.313 of 1985) is restored to the file of the High Court to

be considered afresh. This shall be done expeditiously.
Pending the disposal of the appeal, the status quo as of today shall be maintained.
No order as to costs.

.SP1
.....J.
(S.P. Bharucha)

.....J.
(Y.K. Sabharwal)

.....J.
(B.N. Agrawal)

New Delhi,
November 03, 2000.