

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2436 OF 2016
(Arising out of SLP(C)No. 24150/2010)

Govt. of A.P. & Anr.

Appellant (s)

VERSUS

Mala Ramuloo & Ors.

Respondent(s)

WITH

CIVIL APPEAL NO. OF 2016
(Arising out of SLP(C)No. 24147/2010)

O R D E R

Heard learned counsel for the parties.

Leave granted.

We have perused the impugned judgment and order dated 20th April, 2009 passed by the High Court. When the matter was listed for admission, in course of the order the learned Judge in the penultimate paragraph of the proceedings stated that ground Nos. (a) to (e) are treated as substantial questions of law for consideration without the appeal being admitted as required under Section 100 of the Code of Civil Procedure (hereinafter referred as 'C.P.C.'). Therefore, the High Court treating the aforesaid grounds as substantial questions of law, had answered the same in favour of the transposed appellants in the second appeal. It is stated on behalf of some of the appellants/plaintiffs that the appeal filed by them was

withdrawn. We are satisfied that the High Court in second appeal without admitting and treating the grounds (a) to (e) as substantial questions of law and adverting to the same and answering the same does not amount to framing the substantial questions of law read with Section 100 of the C.P.C.

For the aforesaid reasons, the impugned judgment and order is liable to be set aside and accordingly set aside. The matter is remanded back to the High Court for consideration whether the matter requires admission and frame substantial questions of law and strictly follow the procedure under Section 100 of the C.P.C. and proceed the matter in accordance with law and this may be done within a period of one year.

The appeals are accordingly disposed of.

All the impleading applicants seek permission to withdraw their impleadment applications pending before this Court with liberty to approach the High Court. They are permitted to do so. If such applications are filed, the High Court shall consider the same in accordance with law.

.....J.
(V. GOPALA GOWDA)

.....J.
(ARUN MISHRA)

New Delhi;
Date: 1.3.2016.

ITEM NO.6

COURT NO.9

SECTION XIIA

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 (C) No(s). 24150/2010

(Arising out of impugned final judgment and order dated 15/07/2009 in SA No. 1118/1999 passed by the High Court of A.P. at Hyderabad)

GOVT.OF A.P.& ANR

Petitioner(s)

VERSUS

MALA RAMULOO & ORS.

Respondent(s)

(with appln. (s) for directions and exemption from filing O.T. and impleadment and seeking permission for filing additional document not part of record and vacating stay and interim relief and office report) (for final disposal)

WITH

SLP(C) No. 24147/2010

(With Office Report)

Date : 01/03/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA

HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s)

Mr. V.Giri, Sr. Adv.

In SLP(C)24150/10

Mr. T. V. Ratnam, Adv.

Mr. Ananga Bhattacharyya, Adv.

For the applicant

Mr. J.M.Sharma, Sr. Adv.

in IA No.9/14 in

Mr. Shwetank Sailkhwal, Adv.

SLP(C)No. 24150/10

Mr. Vipin Kumar Jai, Adv.

In I.A.No.10

Mr. Dushyant Parashar, Adv.

Mr. R.Krishna, Adv.

Mr. Manoj Saxena, Adv.

Ms. Vandita Nain, Adv. for

Dr. Kailash Chand, Adv.

For Respondent(s)

Mr. V.V.S.Rao, Sr. Adv.

Mr. K.Maruthi Rao, Adv.

Mr. Praveen Agrawal, Adv.

Mr. K.Subba Rao, Adv.

Mr. Aniruddha P. Mayee, Adv.

For RR.18&20
In both matters

Mr. Veeranjaneypolu K.L.N.V., Adv.
Dr. Ashutosh Garg, Adv.

Mr. Gopi Chand, Adv.
Mr. Gaurav Teoita, Adv.
Mr. M.A.Chinasamy, Adv.
Mr. Sanjeev Kumar, Adv.

For R.No.15 in
SLP 24150/10

Mr. V.Sridhar Reddy, Adv.
Mr. I.V.N.Raju, Adv.
Mr. Abhijit Sengupta, Adv.

Mr. Jagdev Singh, Adv.
Mr. Manoj K. Mishra, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Umesh Dubey, Adv.
Mr. Pradeep Kumar Dwivedi, Adv.

Mr. M. Vijaya Bhaskar, Adv.

Mr. Nirnimesh Dube, Adv.

Mr. Rakesh K. Sharma, Adv.

Mr. Anupam Lal Das, Adv.
Mr. Jayant Mohan, Adv.
Mr. Bhanoo Sood, Adv.
Mr. Sarvesh Singh Baghel, Adv.

M/s. Equity Lex Associates, Adv.

Mr. Amar Dave, Adv.
Mr. J.C.Gupta, Adv.
Mr. Vinay Gupta, Adv.
Mr. S.Ravi, Adv.
Mr. Rajesh Kumar, Adv.
Ms. Garima Prashad, Adv.

Mr. B.P.S.Patil, Sr. Adv.
Ms. T. Anamika, Adv.

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

Leave granted.

The Appeals are disposed of in terms of the signed
order.

All the impleading applicants seek permission to withdraw their impleadment applications pending before this Court with liberty to approach the High Court. They are permitted to do so. If such applications are filed, the High Court shall consider the same in accordance with law.

(SUMAN WADHWA)
AR-cum-PS

(MADHU NARULA)
COURT MASTER

Signed order is placed on the file.