

ITEM NO.24

COURT NO.10

SECTION IV-A

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 (C) No(s). 17733/2012

SURENDRA NATH @ BABULAL (D) THR. LRS. Petitioner(s)

VERSUS

MUNNALAL DANDOTIYA & ORS. Respondent(s)

INTERLOCUTORY APPLICATION NO.7  
(APPLICATION FOR RESTORATION OF SLP)

INTERLOCUTORY APPLICATION NO.8  
(APPLICATION FOR CONDONATION OF DELAY IN FILING RESTORATION OF SLP)

Date : 23-10-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
[IN CHAMBERS]

For Petitioner(s) Mr. Puneet Jain, Adv.  
Mr. Harsh Jain, Adv.  
Ms. Pratibha Jain, AOR

For Respondent(s) Mr. Subhro Sanyal, AOR

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

In terms of directions passed on 23.07.2018, a proper affidavit was required to be filed by each of the petitioners on the allegation of Respondent No.1 that he had already purchased the property qua three out of the four sons of late petitioner, and thus, the lis did not survive. Only one son - Raj Kumar was stated to have not sold the rights to Respondent No.1.

The affidavit now filed is once again only of Raj Kumar and not of the others. Learned counsel for the petitioner states that

though he had sent the affidavit to the other petitioners but there is no response from them.

In view of the aforesaid, it would be appropriate to draw an adverse inference against those petitioners that they are not interested in the restoration of the petition. The application qua these petitioners i.e. Respondent Nos.1.1, 1.3 and 1.4 is, thus, dismissed.

Now, position is that only Petitioner No.1.2 - Raj Kumar has the right to claim to the application for restoration.

Heard learned counsel for the parties.

Delay in filing the application for restoration is condoned.

Application for restoration is allowed.

Accordingly, the special leave petition is restored to its original number qua Petitioner No.1.2

Learned counsel states that Respondent No.3 has passed away in the year 2008 and an application has been filed by Petitioner No.1.2 for substitution. The said application be listed before the Chamber Judge.

(GEETA AHUJA)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER