

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).14707/2006

(From the judgement and order dated 03/04/2006 in WP No. 7795/2005 of the HIGH COURT OF BOMBAY)

PIROZA NOWROJI DEBOO (D) TH. LRS.

Petitioner(s)

VERSUS

NOSHIR PHIROZE KHAMBATTA

Respondent(s)

(With prayer for interim relief and office report)

Date: 19/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. R.F. Nariman, Sr.Adv.
Mr. R.N. Keshwani, Adv.
Mr. Ramlal Roy, Adv.
Mr. C.G. Sivakumaran, Adv.

For Respondent(s) Mr. H. Devarajan, Adv.
Mr. P.N. Gupta, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
order.

(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.839 OF 2007
(Arising out of S.L.P.(C) No.14707/2006)

Piroza Nowroji Deboo (D) Th. Lrs.

...Appellant(s)

Versus

Noshir Phiroze Khambatta

...Respondent(s)

O R D E R

Leave granted.

By consent, the following order is passed:

The defendant in L.E.& C. Suit No.453/478 of 2001 shall be permitted by the trial court to lead evidence in rebuttal on issue Nos.1, 2 and 3 which are mentioned at page 84 of the paper book containing the counter affidavit in S.L.P.(C) No.14707/2006. However, he will not be permitted to lead evidence in rebuttal in respect of issue Nos.4 and 5. The impugned order is modified to that extent.

Accordingly, the Civil Appeal is disposed of.

.....J.
(S.H. KAPADIA)

.....J.
(B. SUDERSHAN REDDY)

New Delhi,
February 19. 2007.