

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(s). 4199-4200 OF 2000

VUTUKURI NAGA H RAO & ANR

Appellant (s)

VERSUS

DEPARAPU NARASIMHARAO & ORS

Respondent(s)

(With appln.for permission to file additional documents and office report)

WITH Civil Appeal NOS. 4201 of 2000 and 4202-4204 of 2000

(With office report)

Date: 12/04/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. L. Nageshwara Rao, Sr.Adv.

In CAs.4199-4200

Mr. G. Ramakrishna Prasad,Adv.

Of 2000 &

Dr. K.P. Kyalasanath,Adv.

4201 of 2000

Mr. Mohd. Wasay Khan,Adv.

Mr. Suyodhan Byrapaneni,Adv.

Mr. Venkat Subramaniam,Adv.

Mr. S. Udaya Kumar Sagar,Adv.

For Appellant(s)

Mr. John Mathew,Adv.

In CAs.4202-4204

of 2000 & Res. In

CAs. 4199-4200

of 2000 & 4201 of

2000

For Respondent(s)

Mr. M.N. Rao, Sr.Adv.

In CA 4199-4200

Mr. P.S. Narasimha,Adv.

Of 2000 & 4201

Mr. Avijeet K. Lala,Adv.

Of 2000

Mr. C. Venkata Ramaiah,Adv.

Mr. V.G. Pragasam,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are disposed of in terms of the signed order. No costs.

(Neena Verma)

(Vijay

Aggarwal)

Court Master

Court Master

er

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4199-4200 OF 2000

Vutukuri Naga H. Rao & Anr.

...Appellants

Versus

Deeparapu Narasimharao & Ors.

...Respondents

WITH

Civil Appeal Nos.4201/2000 & 4202-4204/2000

O R D E R

Heard learned counsel for the parties.

After hearing learned counsel for the parties at length, we feel that the basic issue relating to adverse possession has not been considered by the courts below in the proper perspective. Therefore, we consider this to be a fit case which needs to be remanded to the Trial Court for: (a) framing an issue relating to claim of adverse possession; and (b) to permit the parties to lead evidence in that regard.

It is stated by learned counsel for the parties that there may be necessity for amending the pleadings. Necessary steps in this regard shall be taken within six weeks from today. Since the matter is pending since long, it would be appropriate for the Trial Court to make an effort to dispose of the matter within a period of eight months from the date of receipt of our order. We make it clear that we had not interfered with other findings recorded by the High Court.

The appeals are, accordingly, disposed of. No costs.

.....J.

(ARIJIT PASA

YAT)

.....J.

(TARUN CHATTE

RJEE)

New Delhi,

April 12, 2006.

