

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3694 OF 2001

KISHAN LAL & ANR.
VERSUS

Appellant (s)

HARIPRASAD (D) BY LRS. & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., declaring petnr. as Major, impleadment as party respondent and office report)

Date: 30/08/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. Manish S. Srivastava, Adv.
Mr. Mukesh Verma, Adv.
Mr. K.L. Janjani, Adv.

For Respondent(s)

Mr. S.S. Khanduja, Adv.

Mr. Sushil Kumar Jain, Adv.
Mr. Puneet Jain, Adv.
Ms. Christi Jain, Adv.
Mr. H.D. Thanvi, Adv.
Mr. Sarad Singhania, Adv.
Mr. Piyush Jain, Adv.
Ms. Pratibha Jain ,Adv

Mr. S.K. Gambhir, Senior Adv.
Mr. Anil Sharma, Adv.
Mr. R.K. Maheshwari ,Adv

Rr-Ex-Parte ,Adv

UPON hearing counsel the Court made the following

ORDER

The appeal is dismissed in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Vijay Aggarwal)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3694 OF 2001

KISHAN LAL & ANR.

Appellant(s)

Versus

HARIPRASAD (D) BY LRS. & ORS.

Respondent(s)

ORDER

We have heard counsel for the parties.

The application for impleadment is allowed.

This appeal by special leave is directed against the judgment and order passed by the High Court of M.P. at Gwalior in Second Appeal No.381 of 1999 dated 9.5.2000.

We have perused the order passed by the High Court.

The suit was filed by the appellants herein on 26.3.1973 for declaration and injunction which was decreed by the Trial Court vide its judgment and decree dated 28.2.1990. The First Appeal was filed before the First Appellate Court against the order of the Trial Court. The First Appellate Court reversed the findings of the Trial Court and allowed the appeal and dismissed the suit. Aggrieved against the order passed by the First Appellate Court, the Second Appeal was filed before the High Court. The High Court, after going through the findings of the

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First Appellate Court, came to the conclusion that the plaintiff has no title for the property. The Second Appeal was therefore, dismissed by the High Court as per Order dated 9 th May, 2000. Aggrieved against this order, the present Special Leave Petition was filed.

In the facts and circumstances of the case, we are satisfied that the First Appellate Court as well as the High Court has correctly appreciated the evidence and there is no ground for interfering in the findings of the fact of both the Courts below. Hence, there is no merit in this appeal. The same is accordingly, dismissed.

No order as to costs.

.....J.
(A.K.MATHUR)

.....J.
(MARKANDEY KATJU)

New Delhi,
August 30, 2007.