

ITEM NO.14

COURT NO.7

SECTION XV

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). 9507-9509/2013
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 15/07/2005
IN SBCFA NO. 267/2004 AND DATED 19/01/2006 IN SBCMA NO. 126/2005 IN
SBCFA NO. 267/2004 AND DATED 29/02/2012 IN SBSA NO. 130/2006 PASSED
BY THE HIGH COURT OF RAJASTHAN AT JAIPUR)

MOORTI SHREE CHARBHUJA JI

PETITIONER(S)

VERSUS

RAGHURAJ SINGH & ORS.

RESPONDENT(S)

(WITH APPLN. (S) FOR AMENDMENT OF MEMO OF PARTIES AND C/DELAY IN
FILING SLP AND C/DELAY IN REFILEING SLP AND DIRECTIONS AND
SUBSTITUTION OF DECEASED PETITIONER AND OFFICE REPORT)
(FOR FINAL DISPOSAL)

Date : 02/02/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. J. M. Khanna, Adv.
Ms. Shaifali Sethi, Adv.
Mr. S.B. Kumar, Adv.
Mr. D. Ramesh, Adv.

For Respondent(s)

Ms. Vibha Dutta Makhija, Sr. Adv.
Mr. Lakshmi Raman Singh, Adv.
Ms. Shiva Lakshmi, Adv.
Ms. Arindam Dey, Adv.
Mr. Sriram Krishna, Adv.

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

Delay condoned.

Leave granted.

The appeals as also all the pending
applications are disposed of in the above terms.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.737-739 OF 2016
[Arising out of Special Leave Petition
(Civil) No.9507-9509/2013]

MOORTI SHREE CHARBHUJA JI ...APPELLANT

VERSUS

RAGHURAJ SINGH & ORS. ...RESPONDENTS

ORDER

1. Delay of 2109, 2448 and 22 days having regard to the grounds stated is condoned.
2. Leave granted.
3. We have heard the learned counsels for the parties and perused the orders under challenge. It is our considered view that the death of respondents Nos. 4 and 5 did not result in abatement of the appeal as a whole and the cause of action survived against the remaining respondents - defendants who were trustees of the temple.

4. In that view of the matter, the High Court was not justified in ordering that the appeal has abated and thereafter in refusing to set aside the abatement as has been done. For the said reasons, we set aside the orders of the High Court of Rajasthan dated 15th July, 2005 and 19th January, 2006 passed in SB Civil First Appeal No.267 of 2004 and SB Civil Misc. Application No.126 of 2005 in SB Civil First Appeal No.267 of 2004 and allow the present appeals and restore the SB Civil First Appeal No.267 of 2004 to its original number to be heard by the High Court on merits.

5. As the appeal has been restored, it will be open for the parties to seek appropriate interim orders from the High Court.

6. The appeals as also all the pending applications are disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
FEBRUARY 02, 2016