

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

B E F O R E T H E R E G I S T R A R S . G . S H A H

Petition(s) for Special Leave to Appeal (Civil) No(s).13752/2006

(From the judgment and order dated 21/02/2006 in A.No.1227/2001
of The HIGH COURT OF A.P AT HYDERABAD)

P.PADMAVATHAMMA & ORS.

Petitioner(s)

V E R S U S

P.SHAKUNTALAMMA & ORS.

Respondent(s)

(With appln(s) for directions and prayer for interim relief)

Date: 14/02/2007 This Petition was called on for hearing today.

For Petitioner(s) Mr. Anil Kumar Tandale,Adv.

For Respondent(s) Mr. S.K. Sabharwal,Adv.

U P O N h e a r i n g c o u n s e l t h e C o u r t m a d e t h e f o l l o w i n g
O R D E R

In view of the facts disclosed in Annexure-P6 on page 66 being a judgment in Original Suit No.16 of 1997 by the Additional Senior Civil Judge at Kurnool dated 29th December, 2000 and cause title in the impunged order in Appeal No.1227 of 2001 before the High Court of Judicature, Andhra Pradesh at Hyderabad, it is pointed out by the Advocate for Respondent Nos.1 and 2 that Respondent Nos.3, 4 and 5 in the present Special Leave Petition had not contested the suit since in the Original Suit order was passed ex-parte against them and even in the High Court they have not appeared.

.2.

However, when the matter was listed for admission before the Hon'ble Court, Mr. Deepak Rao, learned Advocate has made a statement regarding acceptance of notice on behalf of all the respondents, i.e. Respondent Nos. 1 to 5.

Now by interim application No.1 of 2006 dated 13th December, 2006, Advocate for the respondents has prayed for a direction to issue fresh notice to Respondent Nos. 3, 4 and 5 stating that because of some communication gap, more particularly status regarding appearance on behalf of all the respondents, they have made a statement to appear on behalf of all the respondents but in fact they are instructed by Respondent Nos.1 and 2 only to appear in this matter.

In view of non-appearance and ex-party orders against Respondent Nos. 3, 4 and 5 by the trial court as well as High Court in this Special Leave Petition, notice to them may not be necessary. However, both the learned Advocates have agreed that to avoid any difficulty in future, let the Respondent Nos. 3, 4 and 5 may be served with notice. Issue fresh notice by Registered Post A.D. Dasti service, in addition, is allowed, as prayed for.

List the matter on 21st March, 2007.

(S.G.SHAH)

Registrar