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SLP(C)No. 2353 OF 2001
ITEM No.202

Court No. 8

SECTION XVII
A/N MATTER

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.2353/2001

(From the judgement and order dated 13/09/2000 in CR 2034/99
of The HIGH COURT OF PATNA)

SUDAMA PRASSAD & ORS.

Petitioner (s)

VERSUS

TARKESHWAR PRASAD & ORS.

Respondent (s)

(With Appln(s). for exemption from filing O.T.)
(For Final Disposal)

Date : 02/11/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s)

Mr. Gopal Prasad, Adv.

For Respondent (s)

Mr. T.N. Singh, Adv.
Mr. B.M. Sharma, Adv.
Mr. V.K. Singh, Adv.

Mr. Krishnanand Pandeya, Adv.

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

.....L.....I.....J
.SP2

The appeal is allowed in terms of the signed
order.

The petitioner would pay Rs. 5,000/- as costs
to the plaintiff.

.SP1
.....L.....T.....J

(Ajay Kr. Jain)
Court Master

(K.K. Chadha)
Court Master

.PA
.PL60
.....L.....I.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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Sudama Prasad & Ors. ... Appellants

versus

Tarkeshwar Prasad & Ors. ... Respondents

O R D E R@@
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.SP2

Heard learned counsel for the parties.
Leave granted.

The impugned order passed by the High Court confirming the order passed by the Trial Court dismissing the application filed by the Petitioner for setting aside the ex parte decree is quashed and set aside. It is agreed by learned counsel for the parties that the ex parte decree be set aside and the suit be restored to its original number. Learned counsel for the plaintiff shall file an application for bringing the legal heirs of the deceased Defendants 2 and 3 on record within a period of 30 days and the same would not be objected to by the petitioner. It is also agreed that the petitioner would pay Rs.5,000/- as costs to the plaintiff. The Trial Court is directed to expedite the hearing of the suit.

In the result, the appeal is allowed to the aforesaid extent.

.SP1

.....J.
(M.B. SHAH)

New Delhi,
November 02, 2001.

.....J.
(R.P. SETHI)