ITEM NO.6 COURT NO.6 SECTION IVA

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)...../2011
(CC 14216/2011)
(From the judgement and order(s) in 09/12/2009 and 16/05/2011 in SA No.773/2009 and RP No.16/2011 of The HIGH COURT OF M.P AT INDORE)

DASHRATH & ANR Petitioner(s)

VERSUS

OACHHAKKUNWARBAI & ORS. Respondent(s)

With I.A.1 (C/delay in filing SLP and office report)
WITH S.L.P.(C)...CC NO. 14425 of 2011
With I.A.1 (C/delay in filing SLP and office report)
S.L.P.(C)...CC NO. 14768 of 2011
With I.A.1 (C/delay in filing SLP and office report)

Date: 01/11/2011 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Puneet Jain, Adv.
Ms. Pratibha Jain, A.O.R.(Not Present)

For Respondent(s)

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

Delay condoned.

One of the question which would require consideration in these petitions is whether the High Court could have allowed the second appeal filed by the respondents without even issuing notice to the petitioners and giving them opportunity of hearing and without framing substantial question of law in terms of Section 100(1) of the Code of Civil Procedure.

Issue notice to the respondents to show cause as to why

leave may not be granted, the impugned judgment as also the order passed in the review petition may not be set aside and the second appeal be remitted to the High Court for fresh disposal in accordance with law, returnable in 10 weeks. Dasti, in addition, is permitted.

Issue notice on the petitioners' prayer for interim relief, returnable in 10 weeks. Dasti, in addition, is permitted.

In the meanwhile, further proceedings in Civil Appeal Nos.7-A of 2009, 8-A of 2009 and 9-A of 2009, pending before the lower appellate Court shall remain stayed.

It shall be the petitioners' duty to serve the respondents before the next date of hearing failing which the interim order passed today shall stand automatically vacated.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master