

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20169/2008

(From the judgement and order dated 04/07/2008 in OSA No. 190/2008 of The HIGH COURT OF MADRAS)

C.T.RAMASAMY

Petitioner(s)

VERSUS

S.P.KAVERI ACHI

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief )

Date: 19/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. K.K. Mani, Adv.  
Mr.Arvind Subramaniam, Adv.  
Mr.C.K.R. Lenin Sekar, Adv.For Respondent(s) Mr.R. Anand Padmanabhan, Adv.  
Mr. Pramod Dayal, Adv.UPON hearing counsel the Court made the following  
ORDER

An application filed by the respondent herein, as has been held by the High Court, is in effect and substance an application under Order IX Rule 13 of the Code of Civil Procedure, 1908. If that be so, the petitioner is required to prove the Will on merit, in presence of the respondent. In this view of the matter, we are not inclined to exercise our discretionary jurisdiction under Article 136 of the Constitution of India. The special leave petition is dismissed.

However, we would request the High Court to consider the desirability of disposing of the matter as expeditiously as possible and preferably within a period of six months from the date of receipt of copy of this order.

[ Meenu Sethi ]  
A.R.-cum -P.S.[ Pushap Lata Bhardwaj ]  
Court Master