

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. No. 1 IN &
Petition(s) for Special Leave to Appeal Civil)....CC 11906-11907/2008

(From the judgment and order dated 10/07/2008 in WP No. 570 & 2656
of 2008 of The HIGH COURT OF MADRAS)

B.K.MUNUSAMY Petitioner(s)

VERSUS

ADHIMOOLAM & ORS. Respondent(s)

(For permission to file SLP, with prayer for interim relief and O/R)

WITH
I.A.NO.1 IN & SLP(C) NOS.....CC 11927-11928 OF 2008 - For permission
to file SLP and with prayer for interim relief and office report
SLP(C) Nos. 22432-22433 of 2008 - For permission to file SLP and with prayer for
Interim Relief & with Office Report
SLP(C) Nos. 12714-12715 of 2008 - For permission to file SLP and with prayer for
Interim Relief & with Office Report
SLP(C) Nos. 12803-12804 of 2008 - For permission to file SLP and with prayer for
Interim Relief & with Office Report
SLP(C) Nos. 12919-12920 of 2008 - For permission to file SLP and with prayer for
Interim Relief & with Office Report
SLP(C) Nos. 12921-12922 of 2008 - For permission to file SLP and with prayer for
Interim Relief & with Office Report
SLP(C) Nos. 12963-12964 of 2008 - For permission to file SLP and with prayer for
Interim Relief & with Office Report

Date: 15/09/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. Shyam Diwan, Sr.Adv.
Mr. R. Anand padmanabhan, Adv.
Mr. Pramod Dayal, Adv.

Mr. P.V. Dinesh, Adv.
Ms. Sindhu T.P., Adv.

Mr. M. Kanpagavinayagam, Sr.Adv.
Mr. B. Balaji, Adv.
Mr. A. Venayagam Balan, Adv.

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For Respondent(s) Mr. K.K. Venugopal, Sr.Adv.
Mr. C.A. Sundram, Sr.Adv.
Mr. Mukul Rohtagi, Sr.Adv.
Ms. Indu Malhotra, Sr.Adv.
Mr. Vineet, Adv.
Mr. Vikas Mehta, Adv.
Mr. Vikram Mehta, Adv.
Ms. Nupur Kanungo, Adv.

UPON hearing counsel the Court made the following
ORDER

SLP(C) Nos.....CC 11906-11907, 12714-12715, 12803-12804, 12919-12920, 12921-12922 and 12963-12964 of 2008

The petitioners in this batch of Special Leave Petitions were not parties in the High Court. In the circumstances, we cannot set aside the impugned judgment at the instance of the petitioners. Large number of disputed facts arises for determination. Further it is not open for this Court to examine the documents for the first time in this Court as the petitioners were not parties in the High Court proceedings.

Having said this, we make it clear that it would be open to the petitioners herein to avail of any remedy open to them in law and in that regard it is clarified that observations, if any, made in the impugned judgment, if they impinge any of the rights of the petitioners, such observations will not come in the way of the petitioners moving the Competent Court and that Competent Court will decide the matters uninfluenced by any such observations.

In the light of above reasoning, Shri Divan, learned senior counsel appearing on behalf of the petitioners seeks permission to withdraw the applications for permission to file Special Leave Petitions. Permission granted. The applications are dismissed as withdrawn.

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SLP(C).....CC 11927-11928 of 2008

Counsel seeks leave to withdraw the application for permission to file Special Leave Petitions made by an Association in order to file separate Special Leave Petitions. Permission granted. The application is dismissed as withdrawn.

SPECIAL LEAVE PETITION (CIVIL) NOS. 22432-22433 OF 2008

Stand over to next Monday the 22nd September, 2008.

(S. Thapar)
PS to Registrar

(Madhu Saxena)
Court Master