

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 8299 OF 2004

PATEL KANTILAL JETHABHAI (D) BY LRS.&ORS Appellant (s)

VERSUS

PATEL MANILAL BHIKHABHAI & ANR. Respondent(s)

(With prayer for interim relief )

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

Date: 26/10/2010 This Appeal was called on for hearing today.

For Appellant(s) Mr. Anip Sachthey, Adv.  
Mr. Mohit Paul, Adv.  
Ms. Shagun Matta, Adv.

For Respondent(s) Mr. D.N. Ray, Adv.  
Mr. Lokesh K. Choudhary, Adv.  
Mrs. Sumita Ray, Adv.

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

The Appeal is disposed of in terms of the signed order.

( Rajesh Dham )  
Court Master

( Parveen Kr. Chawla )  
Court Master

(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

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O R D E R

Heard learned counsel for the parties.

This Appeal, by special leave, has been filed against  
the impugned judgment and order of the High Court of  
Gujarat dated 04.09.2003.

The facts of the case have been set out in the impugned judgment and order of the High Court and hence we are not repeating the same here.

It appears that the Mamlatdar by order dated 27.07.2000 had decided against the appellants. Against that order, the appellant herein filed revision under Section 23(2) of the Mamlatdars Courts Act, 1960 before the Deputy Collector and also a Writ Petition. The Writ Petition was disposed of by the learned single Judge of the High Court. Letters Patent Appeal filed against the order of the learned single Judge has been dismissed by the impugned order. Hence, this Appeal.

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On the facts of the case, we permit the appellants herein to withdraw both the Letters Patent Appeal and the Writ Petition so that their revision application filed before the Deputy Collector under Section 23(2) of the Mamlatdars Courts Act, 1960 may be decided on merits. We, accordingly, permit the appellants to withdraw the Letters Patent Appeal and Writ Petition and they are dismissed as withdrawn.

The impugned judgment and order of the of the Division Bench of the High Court and the judgment of the learned single Judge are set aside. We would request the revisional court to decide the revision on merits expeditiously.

The Appeal is disposed of accordingly.

.....J.  
(MARKANDEY KATJU)

.....J.  
(GYAN SUDHA MISRA)

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