

ITEM NO.29

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).24085-24086/2011

(From the judgement and order dated 24/01/2011 in SA No.480/2008 of The HIGH COURT OF MADRAS)

SA No.479/2008 ,

LAKSHMANAN & ORS.

Petitioner(s)

VERSUS

G. AYYASAMY

Respondent(s)

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

Date: 09/09/2011

These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. K.K. Mani, Adv.
Mr. Abhishek Krishna, Adv.
Mr. A. Lakshminarayan, Adv.

For Respondent(s)

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

We find that the High Court by invoking Order 41

Rule 33 of C.P.C., has granted certain relief to petitioners and also certain reliefs to respondent in a second appeal filed by the petitioner. The grievance of

the petitioner is in regard to the relief granted to the respondent. But the said relief is inseparable from the relief granted to the petitioner. Having regard to

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exercise of power under Order 41 Rule 33 CPC, therefore, if the relief granted to respondent under para 28 (ii) to the respondent, is to be disturbed, it will be open to the respondents to argue that the relief that is granted to petitioner under para 28 (i) should also be disturbed, subject to such right, notice is issued returnable in four weeks.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master