

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1382/2007

(From the judgement and order dated 14/06/2006 in SA No. 854/1992 of the
HIGH COURT OF KERALA AT ERNAKULAM)

NANI AND ANR.

Petitioner(s)

VERSUS

B. UMANANDA NAIK AND ORS.

Respondent(s)

(With appln(s) for amendment of the petition and with prayer
for interim relief and office report)

Date: 28/07/2008 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. M.Y. Deshmikh,Adv.
Ms. Neeta Singh,Adv.
Mr. Rameshwar Prasad Goyal,Adv.

For Respondent(s) Mr. Anindita Popli,Adv.
Ms. Sima Patnaik,Adv.
Ms. Malini Poduval,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The impugned judgment is set aside, the matter is remitted to
the High Court for consideration thereof afresh and the appeal is
disposed of in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4744 OF 2008
[Arising out of SLP(C) No.1382/2007]

NANI AND ANR.

:VERSUS:

... APPELLANT(S)

B. UMANANDA NAIK AND ORS.

... RESPONDENT(S)

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that as no substantial question of law, as is required in terms of sub-section (4) of Section 100 of the Code of Civil Procedure, has been framed by the High Court, the impugned judgment cannot be sustained. It is set aside accordingly and the matter is remitted to the High Court for consideration thereof afresh.

All the contentions of the parties shall remain open.

The appeal is disposed of accordingly.

.....J
(S.B. SINHA)

.....J
(CYRIAC JOSEPH)

NEW DELHI,
JULY 28, 2008.