

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1382/2006

(From the judgement and order dated 04/08/2005 in SA No. 543/2002

of The HIGH COURT OF MADRAS)

GOPALAKRISHNAN @ RAVI & ANR.

Petitioner(s)

VERSUS

KOTHANDARAMAN & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and c/delay in filing rejoinder)

Date: 26/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. K. Ramamoorthy, Sr. Adv.

Mr. Sriram J. Thalapathy, Adv.

Ms. N. Shoba, Adv.

For Respondent(s)

Mr. R. Nedumaran, Adv.

Mr. K.V. Vishwanathan, Adv.

for M/S.Mahalakshmi Balaji & Co., Advs.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

Counsel for the petitioners prays for leave to withdraw this special leave

petition in view of the fact that a partition suit has already been filed which is

pending before the District Court, Pondicherry. In the said partition suit it would be

he parties, necessary for the Trial Court to ascertain the status of t
as also their

respective shares in the properties which are the subject matter of the partit
ion suit.

He, therefore, submits that since the suit in which the im
pugned order has been

rendered, was merely a suit for injunction, the question of title and share et
c. may be

gone into in the pending suit for partition. He, therefore
, states that he may be

permitted to withdraw this petition with liberty to the petitioners to rai
se all

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contentions in the pending suit for partition, which may be considered by t
he Trial

Court. Accordingly, we dismiss this petition as withdrawn with liberty t
o the

petitioners to raise all the contentions in the pending partition suit w
hich may be

considered and disposed of by the Trial Court in accordance with law. We make it

very clear that nothing said in this order shall be construed as expression of opinion

on the merit of the case.

(Ajay Kr. Jain)
Dhawan)

Court Master
Master

(Vijay

Court