

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS. 10 & 11 OF 2016

IN

CIVIL APPEAL NO(S). 7477 OF 2008

PATALAMMA & ANR.

Appellant(s)

VERSUS

JAYAMMA & ORS.

Respondent(s)

O R D E R

Heard.

It emerges from the facts that the trial court did not pass any decree in favour of the appellants who were defendant nos. 4 & 6 and have now been transposed as appellants. They did not prefer any appeal. Similarly the first appellate court had not passed any decree in their favour. This fact was not brought to our notice when the order dated 14th July, 2015 and also the fact relating to the objection filed in the execution proceedings as well

filing of another suit while transposing defendant nos. 4 & 6 as the appellants. In the circumstances, we deem it appropriate to recall the order dated 14th July, 2015 as far as transposing to defendant nos. 4 & 6 as appellants is concerned. Application for transposing defendant nos. 4 & 6 as appellants will be heard afresh. Order dated 14th July, 2015 is modified to the aforesaid extent. Interlocutory application for recalling of the order dated 14.07.2015 is allowed to the aforesaid extent.

Let the application for transposition be numbered and placed for consideration after four weeks. Reply, if any, be filed within the same period.

.....J
(ARUN MISHRA)

.....J
(L. NAGESWARA RAO)

NEW DELHI
NOVEMBER 18, 2016

ITEM NO.1

COURT NO.11

SECTION IVA

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

I.A. NOS. 10 & 11/2016 in Civil Appeal 7477/2008

PATALAMMA & ANR.

Appellant(s)

VERSUS

JAYAMMA & ORS.

Respondent(s)

(for recalling the court's order dated 14.07.2015 and impleadment and office report)

Date : 18/11/2016 These applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Appellant(s) Mr. Thomas P. Joseph, Sr. Adv.
Mr. Shekhar G. Devasa, Adv.
Mr. Manish Tiwari, Adv.
M/s. Devasa & Co., Adv.

For Respondent(s) Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
Mr. Debasis Misra, Adv.

Mr. Naresh Kaushik, Adv.
Mrs Lalita Kaushik, Adv.

Ms. Aditi Gupta, Adv.

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

Interlocutory application for recalling of the order dated 14.07.2015 is allowed to the extent indicated in the signed order.

(NEELAM GULATI)
COURT MASTER

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)