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ITEM NO.3

COURT NO.2

SECTION XII

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).28582/2011
(From the judgement and order dated 01/07/2011 in OSA No.37/2011
of The HIGH COURT OF MADRAS)

KRISHNAVENI Petitioner(s)
VERSUS
E.SANKARAN & ANR Respondent(s)
(With prayer for interim relief and office report)

Date: 05/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr.Senthil Jagadeesan,Adv.

For Respondent(s) Mr. A.T.M. Sampath,Adv.

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

On 19.08.2013, this Court had recorded the following order:

"This petition is directed against judgment dated 01.07.2011
passed by the Division Bench of the Madras High Court in OSA
No.37 of 2011 whereby the order passed by the learned Single
Judge refusing to revoke the probate granted in O.P.No.565 of
2001 was set aside.

In paragraph 3 of the counter affidavit filed on 5.10.2013, the
respondent No.1 has averred as under:

"I respectfully state that before venturing into the merits
of the averments and allegations made in the Special Leave
Petition, the Petitioner before this Hon'ble Court has chosen
to dispose off the property, which was the subject matter of
the proceedings, originally before the Hon'ble High Court and
now before this Hon'ble Court, in and by a Deed of Sale dated
08.12.2011 registered as Document No.4778 of 2011, on the file
of SRO, Puraswalkam, Chennai. This itself suffice to dismiss
the Special Leave Petition since the petitioner does not have
any subsisting interest or whatsoever in the matter."

If what respondent No.1 stated is correct, it will be reasonable
to presume that the petitioner has lost interest in the property
and the special leave petition is liable to be disposed of as
infructuous.

Learned counsel for petitioner requests for a short adjournment
to enable him to seek instructions from his client.

The request of learned counsel for petitioner is accepted.

List the case on 05.09.2013."

Shri Senthil Jagadeshan, learned counsel for the petitioner states that his client has, in fact, disposed of the property.

In view of the above, it must be held that petitioner has lost interest in the suit property and the special leave petition is liable to be disposed of as infructuous. Ordered accordingly.

[Parveen Kr. Chawla]
Court Master

[Phoolan Wati Arora]
Court Master