

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

Petitioner(s)
Respondent(s)

Date: 19/08/2013 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

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."

...2/-
:2:

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.

