

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20535/2006

(From the judgement and order dated 19/09/2006 in ASMP No. 243/2005 & AS No. 2283/2005 of The HIGH COURT OF A.P AT HYDERABAD)

MIR WAJID ALI KHAN @ SIRAJ NAWAB Petitioner(s)

VERSUS

MIR HUSSAIN ALI KHAN (D) BY LRS & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 11/04/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. P.P. Rao, Sr.Adv.  
Mr. P. Venkat Reddy, Adv.  
Mr. Guntur Prabhakar, Adv.

For Respondent(s) Mr. Rajeev B. Masoodkar, Adv.  
Mr. Amit Yadav, Adv.  
Mr. Pramit Saxena, Adv.  
Mr. S.V. Deshpande, Adv.

Ms. T. Anamika, Adv.  
Mr. B. Ramana Murthy, Adv.

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

Heard the learned counsel for the parties. 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)  
MASTER

(SNEH BALA MEHRA) COURT  
COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2814 OF 2008  
[Arising out of SLP(C) No.20535/2006]

MIR WAJID ALI KHAN @ SIRAJ NAWAB ... APPELLANT(S)  
:VERSUS:

MIR HUSSAIN ALI KHAN (D) BY L.RS. AND ORS. ... RESPONDENT(S)

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that the High Court having not considered the medical certificate filed on behalf of the appellant herein, showing that he was not only suffering from chronic and acute diabetics and hypertension but also from incoherent mental condition, the matter should be considered afresh by it. The impugned judgment is, therefore, set aside and the matter is remitted to the High Court for consideration thereof afresh. The appeal is disposed of accordingly.

It would be open to the parties to file additional documents and/or additional affidavits before the High Court.

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

.....J  
(LOKESHWAR SINGH PANTA)

NEW DELHI,  
APRIL 11, 2008.