

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No.597 OF 2008

Muniyamma & Ors.Appellant(s)

VERSUS

Anitha Vaz ...Respondent(s)

ORDER

- 1) Nobody appears for the appellants when the case was taken.
- 2) However, learned counsel appearing for the respondent stated that the sale deed has been executed and registered before the Trial Court pursuant to impugned judgment in respondent's favour in relation to suit property and, therefore, the appeal has been rendered as infructuous.
- 3) Even otherwise, we find that this Court, vide order dated 21.08.2008 had issued Show Cause

Notice to the respondent confining it to examine the question as to why the order granting leave by the High Court be not revoked.

4) We find that the learned Single Judge, in the present case, had granted certificate of leave under Articles 133 read with Article 134-A of the Constitution of India to the appellant to file this appeal. The said article, in our view, specifically prohibits learned Single Judge of the High Court to grant leave as has been held by this Court in **State Bank of India & Anr. vs. S.B.I. Employees' Union & Anr.**, 1987 (4) SCC 370 and followed by this Court in Civil Appeal No. 5817 of 2012 entitled **Agnigundala Venkata Ranga Rao vs. Indukuru Ramchandra Reddy(Dead) by L.Rs. & Ors. (dated 13.04.2017).**

5) Since this Court has confined the issue of notice of this appeal only for limited purpose to examine the issue of grant of leave by the High

Court and the same having been decided against the appellant supra, we are not inclined to examine the merits of the case by invoking our powers under Article 136 of the Constitution once we revoke the grant of leave by the High Court.

6) The appeal thus fails and is accordingly dismissed.

.....J.
[R.K. AGRAWAL]

.....J.
[ABHAY MANOHAR SAPRE]

New Delhi;
April 18, 2017

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

Civil Appeal No(s). 597/2008

MUNIYAMMA & ORS.

Appellant(s)

VERSUS

ANITHA VAZ

Respondent(s)

(with appln. (s) for permission to file additional documents and office report)

Date : 18/04/2017 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.K. AGRAWAL
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPREFor Appellant(s) Mr. S. R. Setia, Adv.
Ms. Srikala Gurukrishna Kumar, Adv.For Respondent(s) Ms. K. Mahalik, Adv.
Mr. V. Vishwanath Bhandarkar, Adv.
Mr. V. N. Raghupathy, Adv.UPON hearing the counsel the Court made the following
O R D E R

Nobody appears for the appellants when the case was taken.

The appeal is dismissed in terms of the signed order.

(SONALI SAUND)
SR.P.A(CHANDER BALA)
COURT MASTER

(Signed order is placed on the file)