

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) .3011-3012 OF 2011

KALUBHAI BHUPATBHAI VALA

APPELLANT (S)

VERSUS

BALUBHAI GOLANBHAI VALA & ANR.

RESPONDENT (S)

WITH

CIVIL APPEAL NO(S) . 3013 OF 2011

CIVIL APPEAL NO(S) . 3014 OF 2011

CIVIL APPEAL NO(S) . 3015 OF 2011

CIVIL APPEAL NO(S) . 3016 OF 2011

CIVIL APPEAL NO(S) . 3018 OF 2011

CIVIL APPEAL NO(S) . 3019 OF 2011

CIVIL APPEAL NO(S) . 3020 OF 2011

CIVIL APPEAL NO(S) . 3021 OF 2011

CIVIL APPEAL NO(S) . 3022 OF 2011

CIVIL APPEAL NO(S) . 3023 OF 2011

CIVIL APPEAL NO(S) . 3024-3025 OF 2011

CIVIL APPEAL NO(S) . 3026-3027 OF 2011

CIVIL APPEAL NO(S) . 3028-3029 OF 2011

O R D E R

C.A.Nos.3011-3012, 3024-3025,
3026-3027 and 3028-3029 of 2011

1. These appeals are directed against the judgments and orders passed by the High Court of Gujarat at Ahmedabad in S.C.A. No.6965 of 2008 and connected matters, dated 09.05.2008 and L.P.A. No.567 of 2008 and connected matters, dated 07.07.2008.

2. The Division Bench while allowing the Special Civil Appeals has set aside the judgment and order passed by the learned Single Judge and remanded the matter to the learned Single Judge for afresh disposal in accordance with law.

3. After the disposal of the Special Civil Appeals, learned Single Judge has passed yet another order dated 10.09.2008 in Special Civil Appeal No.9314 of 2008. That order is the subject matter in the other Civil Appeals which are listed before us.

4. In view of these developments, in our opinion, nothing survives in these Civil Appeals for our consideration and decision. Therefore, these Civil Appeals are disposed of having become unnecessary.

Civil Appeal No(s).3013, 3014, 3015, 3016,
3018, 3019, 3020, 3021, 3022 and 3023 of 2011

1. In these Civil Appeals, what is questioned by the appellants before us is the order passed by the learned Single Judge in Special Civil Appeal No.9314 of 2008, dated 10.09.2008. Inasmuch as the appellants have the right to appeal before the Division Bench of the High Court, by-passing that remedy, the appellants could not have approached this Court.

2. In that view of the matter, we decline to entertain these Civil Appeals. Accordingly, the Civil Appeals are disposed of with liberty to the appellants to file Letter Patents Appeal before the High Court within a month's time from today.

3. If such an appeal is filed within the time granted by us, we request the High Court to decide the same on merits without reference to the period of limitation.

4. We further make it clear that the learned Judges need not be influenced by the dismissal of the Special Leave Petition No.9339 of 2011, dated 01.02.2013, since it was dismissed at the admission stage itself.

5. All contentions of both the parties are left open.

.....CJI.
(H.L. DATTU)

.....J.
(ARUN MISHRA)

.....J.
(AMITAVA ROY)

NEW DELHI
AUGUST 20, 2015.

Ms. Jesal, Adv.
For Ms. Hemantika Wahi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Civil Appeal No(s).3011-3012, 3024-3025, 3026-3027 and
3028-3029 of 2011

Civil Appeals are disposed of having become unnecessary
in terms of the signed order.

Civil Appeal No(s).3013, 3014, 3015, 3016, 3018, 3019, 3020,
3021, 3022 and 3023 of 2011

Civil Appeals are disposed of in terms of the signed
order.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)