

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NOS.6150 - 6152/2023
[@ SLP(C) NOS.8262-8264/2022]**

C. SRINIVASA REDDY & ANR.ETC. Appellant(s)

VERSUS

RAJA REDDY & ORS.ETC. Respondent(s)

**WITH
CIVIL APPEAL NOS.6153 - 6156/2023
[@ SLP(C) Nos.24201-24204/2022]**

O R D E R

CIVIL APPEAL NOS.6150-6152/2023 @ SLP(C) NOS.8262-8264/2022

Leave granted.

The appellants succeeded before the trial Court but before the First Appellate Court, the respondent(s) sought to file two documents and sought that the matter should be remitted to the trial Court for reconsideration on that basis. Out of the two documents, one document was found to be already on record and exhibited. The second document was the genealogical tree which was also filed by the respondent(s) but not exhibited. The First Appellate Court, however, set aside the decree passed by the trial Court and remitted it for reconsideration on the aforesaid basis. This order was affirmed by the judgment of the High Court dated 06.01.2022.

We issued notice and granted stay of the proceedings.

In our view, this course of action which is completely impermissible. Firstly, the respondent was negligent in not getting the documents exhibited as filed by them and now seeks to take advantage of that fact to seek remand before the trial Court. If the Appellate Court was of the view that it is a crucial document, it was for the appellate Court to consider that document by treating as an additional evidence and deciding the matter on merits. Nothing more and nothing less was required to be done.

We have thus, no hesitation in setting aside the orders passed by the First Appellate Court dated 11.01.2021 and the impugned order of the High Court dated 06.01.2022 and remit the matters back to the First Appellate Court for consideration on merits of the appeals filed by the respondent(s).

The appeals accordingly stand allowed leaving parties to bear their own costs.

CIVIL APPEAL NOS.6153 - 6156/2023 @SLP(C) No. 24201-24204/2022

Leave granted. Service is complete but none appears for the respondent.

In view of the orders passed in Civil Appeal Nos.6150-6152/2023 @ SLP(C) NOS.8262-8264/2022, the orders passed in the impugned order(s) dated 05.09.2022 to the extent it observes that there should be restraint against the appellant(s) not to

alienate the property has to be decided as it will be for the First Appellate Court now to consider the appeals of the respondent(s) on merits and naturally also examine whether any interim order at all is required to be granted or not. Thus, those observations are set aside.

The appeals are allowed in terms aforesaid.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[SUDHANSHU DHULIA]

NEW DELHI;
SEPTEMBER 25, 2023.

ITEM NO.33

COURT NO.2

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8262-8264/2022

(Arising out of impugned final judgment and order dated 06-01-2022 in CMA No. 1150/2021 06-01-2022 in CMA No. 1162/2021 06-01-2022 in CMA No. 1165/2021 passed by the High Court Of Judicature At Madras)

C. SRINIVASA REDDY & ANR.ETC.

Petitioner(s)

VERSUS

RAJA REDDY & ORS.ETC.

Respondent(s)

WITH

SLP(C) No. 24201-24204/2022 (XII)

Date : 25-09-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Dhruv Mehta, Sr. Adv.
Mr. Vishwaditya Sharma, Adv.
Mr. Balaji Srinivasan, AOR

For Respondent(s) Mr. M.P. Parthiban, AOR
Ms. Priyaranjani Nagamuthu, Adv.
Mr. R. Sudhakaran, Adv.
Mr. T. Hari Haran Sudhan, Adv.
Mr. Bilal Mansoor, Adv.
Mr. Shreyas Kaushal, Adv.

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

SLP(C) NOS.8262-8264/2022

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application, if any, stands disposed of.

SLP(C) Nos.24201-24204/2022

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application, if any, stands disposed of.

**(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS**

**(POONAM VAID)
COURT MASTER (NSH)**

[Signed order is placed on the file]