

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.10171 OF 2014  
(Arising out of S.L.P.(C) No.11726 of 2011)

Srirama Warehouses Thr. Partner Appellant(s)

Versus

Edulakanti Narasimha Reddy (D) Respondent(s)  
Thr. Lrs. and Others

O R D E R

Leave granted.

Heard learned counsel for the appellant. None has appeared for the respondent.

The facts which are essential to be stated for disposal of the present appeal are that the appellant, Srirama Warehouses, instituted O.S. No.295 of 2006 (old O.S. No.778 of 1992), for recovery of Rs.1,21,368/-, together with interest at the rate of twenty-four per cent from the date of institution of suit till the date of realisation and for costs of the suit. In the said suit, late Edulakanti Narasimha Reddy was the defendant.

One, C. Manohar Reddy, had filed O.S. No.101 of 2004, for recovery of Rs.46,49,260/- together with interest at the rate of twenty-four per cent per annum, against the legal representative of Edulakanti Narasimha Reddy, the

respondent herein. It is not in dispute that C. Manohar Reddy, P. Chengal Reddy and S. Narsimha Reddy, are the partners and were carrying on business under the name and style of Srirama Warehouses. The appellant, C. Manohar Reddy, undisputedly is one of the partners.

The learned trial Judge tried both the suits together and dismissed O.S. No.295 of 2006 and partly decreed O.S. No.101 of 2004. The present appellant preferred CCA No.163 of 2009. The legal representatives of Edulakanti Narasimha Reddy preferred CCA No.164 of 2009.

Submission of learned counsel for the appellant is that when both the appeals were filed against the common judgement, it was advisable on the part of the High Court to hear both the appeals together and dispose of them by a singular judgement. It is urged by him that against the common judgement, when two appeals are preferred, it is always requisite that for sense of propriety they should be heard together, otherwise there would be likelihood of anomaly. Learned counsel would contend that the appeal preferred by the legal heirs of Edulakanti Narasimha Reddy is pending before the High Court.

In view of the aforesaid, we think it appropriate to allow the appeal, set aside the impugned judgement and remit it to the High Court to be heard along with CCA No.164 of 2009 and be disposed of by a common judgement. We hereby

make it clear that we have not expressed any opinion on the merits of the case.

The appeal is, accordingly, allowed. There shall be no order as to costs.

.....J.  
(Dipak Misra)

.....J.  
(Uday Umesh Lalit)

New Delhi;  
November 11, 2014.

ITEM NO.9

COURT NO.6

SECTION XIIA

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). 11726/2011

(Arising out of impugned final judgment and order dated 06/07/2010  
in CCCA No. 163/2009 passed by the High Court Of A.p At Hyderabad)

SRIRAMA WAREHOUSES TR. PARTNER

Petitioner(s)

VERSUS

EDULAKANTI NARASIMHA REDDY(D) TR. LRS.

Respondent(s)

(With appln. (s) for c/delay in filing process fee and interim  
relief and office report)

Date : 11/11/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

Mr. Anil Kumar Tandale, AOR

For Respondent(s)

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

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Court Master

(Signed order is placed on the file)