

ITEM NO.12

COURT NO.17

SECTION XI-B

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 611/2026

[Arising out of impugned final judgment and order dated 23-09-2025 in RFA No. 593/2006 passed by the High Court of Kerala at Ernakulam]

JUDY PAIVA & ORS.

Petitioner(s)

VERSUS

M.B.THAMBI

Respondent(s)

IA No. 56683/2026 - APPLICATION FOR SUBSTITUTION
IA No. 56671/2026 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS, IA No. 56678/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 56679/2026 - EXEMPTION FROM FILING O.T.
IA No. 56675/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Date : 23-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) :Mr. Romy Chacko, Sr. Adv.
Mr. Rahul Jain, AOR
Mr. Ashwin Romy, Adv.
Mr. Akshat Singh, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. Permission to file SLP is granted.
3. Application seeking substitution of the legal heirs of the deceased, *Martin Paiva*, who was the respondent before the High Court, as petitioners, is allowed. Amended memo of parties be filed within a week.

4. Learned senior counsel appearing for the petitioners would submit that for specific performance of an Agreement dated 16.01.1995, the Trial Court dismissed the respondent's suit. However, the High Court has allowed the First Appeal and directed specific performance.

5. Issue notice, returnable in six weeks.

6. In the meanwhile, operation and effect of the impugned order passed by the High Court, shall remain stayed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(CHETNA BALOONI)
COURT MASTER (NSH)