

ITEM NO.10

COURT NO.7

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 12498/2018

(Arising out of impugned final judgment and order dated 27-02-2018 in CRP(NPD) No. 3531/2013 27-02-2018 in CRP(NPD) No. 2346/2013 27-02-2018 in CRP(NPD) No. 1843/2013 passed by the High Court Of Judicature At Madras)

E. MAHESWARI

Petitioner(s)

VERSUS

RAJESH LAKSHMI CHAND & ANR.ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.60007/2018-EXEMPTION FROM FILING O.T. and IA No.60004/2018-PERMISSION TO FILE SLP)

Date : 16-07-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s)

Mr. K.V. Vishwanathan, Sr.Adv.

Mr. B. Ragunath, Adv.

Mr. Abhishek Kaushik, Adv.

Mr. Vijay Kumar, AOR

For Respondent(s)

Mr. A.K. Ganguli, Sr.Adv.

Mr. Basava Prabhu S. Patil, Sr.Adv.

Mr. Ayyamperumal, Adv.

Ms. N.S. Revathy, Adv.

Mr. N.C. Ashok Kumar, Adv.

Mr. B. Karunakaran, Adv.

Mr. S. Gowthaman, AOR

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

Permission to file the special leave petitions is granted.

Heard learned senior counsel for the petitioner as well as learned senior counsel appearing on behalf of Respondent No.1.

We are not inclined to interfere in the order passed by the

High Court.

However, learned counsel for the petitioner has raised some objections about the finding at page 33, paragraph 22, the relevant portion of which is extracted below :-

"The said preliminary decree is a nullity as it does not confirm with the definition of 'decree' as contemplated in C.P.C. In view of the nullity of the said preliminary exparte decree, final decree passed in I.A. No. 314 of 2011 on 26.11.2012 is also nullity."

Aggrieved by the aforesaid finding, learned counsel for the petitioner wants to file a review application before the High Court. The petitioner is at liberty to file a review application.

The special leave petitions are, accordingly, dismissed.

Pending applications, if any, shall stand disposed of.

(SUKHBIR PAUL KAUR)
AR CUM PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR