

ITEM NO.50

COURT NO.10

SECTION XII-A

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). 15584/2017

(Arising out of impugned final judgment and order dated 02-12-2016 in CCCA No. 96/2006 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

MOHD. FAROOQ ALI KHAN

Petitioner(s)

VERSUS

G.N. NAIDU &amp; ANR.

Respondent(s)

Date : 27-04-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. D. Rama Krishna Reddy, Adv.  
Mrs. D. Bharathi Reddy, AOR

For Respondent(s) Mr. B. Adi Narayana Rao, Sr. Adv.  
Mr. M. Srinivas R. Rao, Adv.  
Mr. Arun Devdas, Adv.  
Mr. Sharvanth, Adv.  
Mr. Goli Ramakrishna, Adv.  
Mrs. Sudha Gupta, AOR

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

- 1) Heard the learned counsel for the petitioner.
- 2) The First Appeal has been decided in an extremely perfunctory manner, after which the Court held as follows:-

“30. This Court, having regard to the above factual matrix can within its power under Order I Rule 10 of C.P.C. also implead suo moto the said plaintiff's brother Mustafa and K. Sheshagiri Rao and husband and son of Sridevi representing her interest for all parties to the alleged agreement to decide in their presence the *lis* subject to its proof.

31. Having regard to the above and in the result, the

appeal is allowed and from the material lapses and lacunas in evidence from both sides for the material on record is insufficient to decide the *lis* and the plaint also requires amendment to declaratory relief and consequential relief of possession by permitting to amend and also to implead suo moto said plaintiff's brother Mustafa and K. Sheshagiri Rao and husband and son of Sridevi representing her interest for all parties to the alleged agreement to decide in their presence the *lis* subject to its proof and for that feels just to remand, even remand gives further life to the litigation, and thereby remands the matter directing the trial Court for their impleadment and for additional pleadings including amendment of plaint to permit from the above on application of plaintiff and consequently for additional written statements if any therefrom and with opportunity of further evidence including by recall for further examination of necessary witnesses of both sides including of plaintiff and with reference to the additional pleadings supra to subserve the ends of justice. Pursuant to the above remand directions, to give every endeavour for early disposal at least within nine(9) months from the date of receipt of the judgment. No order as to costs."

Obviously this does not dispose of the First Appeal on all the issues that were raised by the trial Court.

3) In this view of the matter, we set aside the judgment and restore the First Appeal to the file.

4) Given the fact that it is a First Appeal of 2006, the High Court will decide this appeal expeditiously, and preferably within a period of one year from today.

5) The Special Leave Petition is disposed of accordingly.

(R. NATARAJAN)  
COURT MASTER (SH)

(SAROJ KUMARI GAUR)  
BRANCH OFFICER