

ITEM NO.36

COURT NO.11

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). 9799/2020

(Arising out of impugned final judgment and order dated 20-11-2019 in SA No. 1207/2014 passed by the High Court Of Judicature At Madras)

THE METROPOLITAN TRANSPORT CORPORATION
(CHENNAI) LTD. & ANR.

Petitioner(s)

VERSUS

R. RANGA PILLAI & ANR.
(IA No. 79679/2020 - EXEMPTION FROM FILING O.T.)

Respondent(s)

WITH

SLP(C) No. 9749/2020 (XII)
(IA No. 79208/2020 - EXEMPTION FROM FILING O.T.)

Diary No(s). 18596/2020 (XII)
(IA No. 90689/2020 - CONDONATION OF DELAY IN FILING)

Date : 25-07-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Ms. G. Indira, AOR
Mr. Gandeepan, Adv.
Mr. Harnaman Singh, Adv.
Mr. Ashwini Kumar, Adv.

For Respondent(s) Mr. G.Sivabalamurugan, AOR
Mr. T. Subramanian, Adv.
Mr. Selvaraj Mahendran, Adv.
Ms. J. Merlyn Rachel, Adv.
Mr. C. Adhikesavan, Adv.

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

Diary No(s). 18596/2020

There is a delay of 1542 days in preferring the appeal.

The respondents filed a suit in the year 1984 which was decreed and the decree has been confirmed by the First Appellate Court as well as by the High Court. The judgment of the High Court is of 14th March, 2016.

The respondents in SLP Nos. 9749/2020 and 9799/2020 filed suits against the petitioners. The Trial Court, the First Appellate Court and the High Court held that *res judicata* will apply based on the decree passed in suit of 1984 which is the subject matter of this SLP.

The High Court delivered the judgment which is the subject matter of challenge in other two SLPs on 20.11.2020.

All along, the petitioners were aware that the decree passed in the suit which is the subject matter of this SLP is coming in their way. Hence, the said decree was relied upon in other two suits filed in the year 2006. The present SLP has been filed more than 10 months after the High Court decided the appeals which are subject matter of challenge in the companion SLPs. Hence, there is absolutely no explanation for the delay of 1542 days. Accordingly, the SLP is dismissed on the ground of delay.

SLP(C) Nos. 9799/2020 & 9749/2020

In view of the finding of *res judicata* recorded by the

High court, no case for interference under Article 136 of the Constitution of India is made out. The Special Leave Petitions are dismissed.

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)