

ITEM NO.17

COURT NO.14

SECTION XI-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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 17172/2019

(Arising out of impugned final judgment and order dated 16-03-2018 in LAAP No. 750/2014 16-03-2018 in LAAP No. 756/2014 16-03-2018 in LAAP No. 737/2014 16-03-2018 in LAAP No. 738/2014 16-03-2018 in LAAP No. 744/2014 16-03-2018 in LAAP No. 757/2014 passed by the High Court Of Kerala At Ernakulam)

THE ADMINISTRATOR GURUVAYOOR DEVASWOM & ANR. Petitioner(s)

VERSUS

ABDUL RAHIMAN (D) through L.Rs. & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.82412/2019-CONDONATION OF DELAY IN FILING)

Date : 03-07-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
 HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Venkatramani, Sr. Adv.
 Ms. Mukund P. Unny, Adv.
 Ms. Sindhu T.P., Adv.
 Mr. P. V. Dinesh, AOR
 Mr. Yashraj Bhundela, Adv.

For Respondent(s) Mr. V. Giri, Sr. Adv.
 Mr. Mohammed Sadique T.A., AOR
 Mr. Amith Krishnan H., Adv.

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

Delay condoned.

Since the matter is remitted to the Reference Court, we decline to interfere with the impugned judgment. However, the following observations made by the High Court in the impugned judgment in paragraph 13 stand deleted :

"Moreover the further enhancement awarded in L.A.A. No.417/2006 is not based on any acceptable evidence, but merely on a thumb rule."

We also make it clear that the Reference Court shall reconsider the matter afresh keeping in mind all the facts and law on the point.

The special leave petitions are disposed of accordingly.

Pending applications, if any, also stand disposed of.

**(GULSHAN KUMAR ARORA)
COURT MASTER (SH)**

**(R.S. NARAYANAN)
BRANCH OFFICER**