

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 10622 OF 2017
Arising out of SLP (C) No(s).20579/2015

K. MURUGENDRAN

Petitioner(s)

VERSUS

K. DAKSHYANI KUMAR

Respondent(s)

O R D E R

Leave granted.

Heard the learned counsel for the parties.

The appeal preferred before the High Court was dismissed by the High Court without considering the entire evidence on record. As it was first appeal, consideration should have been more elaborate.

Without commenting on the merits of the case, we set aside the impugned judgment and order of the High Court and request the High Court to decide the matter afresh after hearing the parties, as early as possible, strictly in adherence with the provisions of Order 41, Rule 31 of the CPC as has been laid down by the this Court in the case of H. Siddiqui vs. A. Ramalingam, (2011) 4 SCC 240.

The appeal stands allowed, accordingly.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI;
AUGUST 18, 2017

ITEM NO.4

COURT NO.11

SECTION IV-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).20579/2015

(Arising out of impugned final judgment and order dated 03-06-2015
in RFA No. 286/2015 passed by the High Court Of Karnataka At
Bangalore)

K. MURUGENDRAN

Petitioner(s)

VERSUS

K. DAKSHYANI KUMAR

Respondent(s)

(MEDIATION Report dated 12.06.2017 received. Mediation failed.)

Date : 18-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. K. K. Mani, AOR
Mr. T. Archana, Adv.
Mr. K. Narayana, Adv.For Respondent(s) Mr. S. Nandakumr, Adv.
Ms. Tanu Priya Gupta, Adv.
Mr. Senjul Mehta, Adv.
Mr. M.S. Saran Kumar, Adv.
Ms. Deepika Nandakumar, Adv.
Mr. Naresh Kumar, AORUPON hearing the counsel the Court made the following
O R D E RThe appeal is allowed in terms of the signed
order.(B. PARVATHI)
COURT MASTER (SH)(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)