

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

C.A.No.18599 OF 2017
(Arising out of SLP(C)No.23964/2017)

V. DINU ... APPLICANT(S)

VS.

KOLLERI VELAYUDHAN ... RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. In our opinion, it was not necessary for the High Court to remand the matter back to the Trial Court for the purpose of recording the evidence whether suit should be decreed or not as per the provision of Section 20 of Specific Relief Act. No further evidence was required to be recorded and the High Court ought to have decided the said issue and the case itself.
4. In the facts of the case, remand of the case by the High Court is set aside and we request the High Court to decide the appeal afresh in accordance with law. We make it clear that we have not gone into the merits of the case. Impugned order passed by the High Court is set aside.

..2/-

.2.

5. In view of the above, the civil appeal is allowed.

.....J.
[ARUN MISHRA]

.....J.
[L. NAGESWARA RAO]

New Delhi;
13th November, 2017.

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).23964/2017

(Arising out of impugned final judgment and order dated 30-06-2017 in RFA No.59/2017 passed by the High Court Of Kerala At Ernakulam)

V.DINU

Petitioner(s)

VERSUS

KOLLERI VELAYUDHAN

Respondent(s)

(With appln.(s) for permission to file addl. documents)

Date : 13-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. V. Giri, Sr.dv.
Mr. Mohammed Sadique, Adv.
Mr. Nishe Rajen Shonker, AOR

For Respondent(s) Mr. Thomas P. Joseph, Sr. Adv.
Mr. Sajith P. Warriar, AOR
Mr. Kumar Gaurav, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications stand disposed of.

(Sarita Purohit)
Court master

(Jagdish Chander)
Branch Officer

(Signed order is placed on the file)