

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). 24554/2017

(Arising out of impugned final judgment and order dated 12-06-2017 in RFA No. 75/2016 passed by the High Court of Kerala at Ernakulam)

RAJESH PRABHAKARAN

Petitioner(s)

VERSUS

STALIN BENNY

Respondent(s)

(FOR ADMISSION and I.R. and IA No.99618/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.99620/2017-EXEMPTION FROM FILING O.T.)

Date : 06-10-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Raghenth Basant, Adv.  
Ms. Aanchal Tikmani, Adv.  
Mr. Mithun Verghis, Adv.  
Ms. Liz Mathew, AOR

For Respondent(s)

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

Heard learned counsel appearing for the petitioner.

The High Court has set aside the judgment of the Trial Court and remanded the case back to the Trial Court for fresh trial observing the documents on record, namely, Exts.A1 to A8. Ext.A1 is the alleged agreement of sale, on the basis of which, suit was filed by the appellant (respondent herein) for specific performance, should have been sent to the handwriting expert for opinion.

Learned counsel appearing for the petitioner submits that petitioner had, in fact, moved the application before the Trial Court for this very purpose. However, that application was objected

to by the defendant (respondent herein) and the trial court had even dismissed the application. Therefore, the defendant can not now contend to the contrary.

Issue notice, returnable within four weeks.

In the meantime, the operation of the impugned judgment shall remain stayed.

(RASHI GUPTA)  
SENIOR PERSONAL ASSISTANT

(MADHU NARULA)  
BRANCH OFFICER