

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s).9776 OF 2017
(Arising out of SLP(C) No. 32655 OF 2014)

MALLIGA & ORS.

Appellant(s)

VERSUS

GOPALAKRISHNAN

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

After arguing at great length for several days, learned counsel appearing for both the parties have ultimately agreed that since maps have been filed for the first time before this Court, it would be appropriate to remit the matter to the High Court. The submission is well justified and same is our opinion too.

The map is taken on record and is marked as 'Schedule C' to form part of order. It is agreed to by the leaned counsel for the parties that this Map is correct Map of the property. Black portion in the Map indicates the property described in the agreement whereas the yellow portion describes the

other property of defendant Nos. 1 & 2.

We set aside the order of the High Court and remit the matter to the High court for deciding all the question afresh in accordance with law. The High Court is to examine the question of identity of property afresh with the help of the map. It would be open to the High Court to call for the findings from the trial court on this issue as to the identity of the property in agreement and to what has been claimed in the suit.

We make it clear that we have not commented on the merits of the case of rival parties and all the contentions of both the parties are kept open.

The map be forwarded to the High Court and is to be treated as part of the order.

The appeal is allowed to the aforesaid extent.
No order as to costs.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;

JULY 25, 2017

ITEM NO.2

COURT NO.9

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). 32655/2014

(Arising out of impugned final judgment and order dated 06-06-2014 in SA No. 1679/1998 passed by the High Court Of Madras)

MALLIGA & ORS.

Petitioner(s)

VERSUS

GOPALAKRISHNAN

Respondent(s)

Date : 25-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. V. Prabhakar, Adv.
Ms. Jyoti Prashar, Adv.
Mr. N.J. Ramchandrar, Adv.
Dr. (mrs.) Vipin Gupta, AOR

For Respondent(s) Mr. R. Venkataramani, Sr. Adv.
Mr. V. G. PragasaM, AOR
Mr. Prabu Ramasubramanian, Adv.
Mr. Yashraj Singh Bundela, Adv.
Mr. Praveen Vignesh, 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 application, if any shall stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)