

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2022 OF 2019
(Arising out of S.L.P.(C) No.35133 of 2014)

MARIAMBEN DAUGHTER OF RASULBHAI

Appellant(s)

Versus

CHANDRAKANT RATILAL KALAL (D) THROUGH HIS
LEGAL HEIRS

Respondent(s)

O R D E R

Leave granted.

On hearing learned counsel for the parties, the following agreed order is passed :-

1) The impugned order dated 21.7.2014 is set aside and consequently, the application filed by the appellants for impleadment of legal representatives of deceased sole respondent before the High Court is allowed.

2) In view of the decision rendered on 06/03/2013 in Second Appeal No. 134 of 1995 in the absence of the legal representatives of the respondent, the matter would have to be decided afresh after hearing learned counsel for both the parties, on the basis of question of law already framed by the High Court.

All contentions of law as are available to both

the parties are kept open.

The appeal is, accordingly, allowed.

No order as to costs.

.....J.
(SANJAY KISHAN KAUL)

.....J.
(INDIRA BANERJEE)

New Delhi,
February 25, 2019

ITEM NO.45

COURT NO.15

SECTION III

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).35133/2014

(Arising out of impugned final judgment and order dated 21-07-2014 in CA No. 1879/2014 in MCA No. 478/2014 in SA No. 134/1995 passed by the High Court Of Gujarat At Ahmedabad)

MARIAMBEN DAUGHTER OF RASULBHAI

Petitioner(s)

VERSUS

CHANDRAKANT RATILAL KALAL (D)THROUGH HIS LEGAL HEIRS Respondent(s)

Date : 25-02-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s)

Mr. Nachiketa Joshi, AOR
Ms. Sucheta Joshi, Adv.
Mr. Aniket Seth, Adv.
Mrs. Priya Mishra, Adv.

For Respondent(s)

Mr. Sanjeev Kumar, AOR
Mr. Naik H.K., Adv.
Ms. Padma Chaudhary, Adv.
Mr. Rajnish, Adv.
Mr. Anil Kr. Sinha, 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.

No order as to costs.

(SUKHBIR PAUL KAUR)
AR CUM PS

(ANITA RANI AHUJA)
COURT MASTER (NSH)

(Signed order is placed on the file)