

ITEM NO.21

COURT NO.6

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 39790/2019

(Arising out of impugned final judgment and order dated 07-06-2018 in SA No. 554/2006 passed by the High Court Of Judicature At Madras)

GANESAN & ANR.

Petitioner(s)

VERSUS

PALANIAMMAL & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.169754/2019-CONDONATION OF DELAY IN FILING and IA No.169758/2019-EXEMPTION FROM FILING O.T.)

Date : 25-11-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Sharath Chandran, Adv.
Mr. Achyuth Ajithkumar, Adv.
Mr. Pranab Prakash, AOR

For Respondent(s)

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

Heard counsel for the petitioners.

Delay condoned.

Counsel for the petitioners submits that the finding recorded by the High Court at page No.7 of the Special Leave petition paper book is incorrect, which reads thus :

"The defendants have not taken any steps to find out as to whether he was really dead or not and to prove the same,

the defendants have not taken any steps to produce the death certificate or examined the legal heirs of the said Arumugam to identify the signature of the said Arumugam."

The petitioners would rely on the evidence of DW-4, who has produced the death certificate of his father.

It will be open to the petitioners to take recourse to remedy of review petition before the High Court, if so advised.

In case the review petition is decided against the petitioners, liberty is granted to the petitioners to challenge the said order as well as the present impugned order by way of special leave petition(s).

As prayed, the special leave petition and pending applications are disposed of as withdrawn.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER