

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 17334 OF 2017

MOHD GHAZIUDDIN HASSAN (DEAD) & ORS. APPELLANT(S)

VERSUS

AHMED NIZAMUDDIN & ORS. RESPONDENT(S)

O R D E R

Heard learned senior counsel for the appellants.

2. Application for substitution is allowed after condoning the delay and setting aside abatement.

3 This appeal deserves to be allowed on a short point. The High Court has delivered the Judgment dated 30th August, 2010 of reversal in a First Appeal under Section 96 of the Code of Civil Procedure, 1908 without discussing the findings of the Trial Court and upsetting them on the basis of appreciation on the material on record.

4. One of the apparent findings of the Trial Court is that no land was left with Ilias Ahmed Menai (being owner of 1350 sq. yards) after having executed two sale deeds in the year 1992 for a total area measuring 959 sq. yards and about 391 sq. yards land having been acquired in road widening, still continued to execute the sale deed in favour of the defendants has not been touched by the High

Court.

5. There are other findings also which have not been dealt with. As such, we are unable to sustain the Judgment of the High Court. Accordingly, the appeal is allowed. The impugned judgment of the High Court is set aside and the matter is remanded for a fresh decision by the High Court in accordance with the settled principles of deciding an appeal under Section 96 of the Code of Civil Procedure.

6. It goes without saying that the High Court would make an endeavour to decide the appeal as early as possibly, considering the fact that the Original Suit was filed in the year 2004. The parties shall extend all cooperation for early disposal of the matter.

7. However, we make it clear that this Court has not observed anything on the merits of the matter and the High Court shall decide the case on its own merit in accordance with law.

8. Pending application(s), if any, shall stand disposed of.

..... .J.
[VIKRAM NATH]

..... .J.
[RAJESH BINDAL]

NEW DELHI;
OCTOBER 04, 2023.

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

Civil Appeal No(s). 17334/2017

MOHD GHAZIUDDIN HASSAN (DEAD) & ORS.

Appellant(s)

VERSUS

AHMED NIZAMUDDIN & ORS.

Respondent(s)

(IA No. 22258/2023 - EARLY HEARING APPLICATION)

Date : 04-10-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE RAJESH BINDALFor Appellant(s) Mr. Harin P Raval, Sr. Adv.
Mr. M Srinivas R Rao, Adv.
Mr. Abid Ali Beeran P, AOR
Mr. Sarath S Janardanan, Adv.
Ms. Sherya Bansal, Adv.

Mrs. Sudha Gupta, AOR

For Respondent(s) Mr. Wasim A. Qadri, Sr. Adv.
Mr. Tamim Qadri, Adv.
Mr. Saeed Qadri, Adv.
Mr. Shraveen Kumar Verma, Adv.
Mrs. Kareena Fareed, Adv.
Mr. Saahil Gupta, Adv.
Mr. Deepak Bhati, Adv.
Mr. Shivendra Singh, Adv.
Mr. Lakshmi Raman Singh, AORMr. Sriharsha Peechara, Standing Counsel for
the State of Telangana
Mr. Duvvuri Subrahmanya Bhanu, Adv.
Ms. Pallavi, Adv.
Mr. Kriti Sinha, Adv.

M/S. Venkat Palwai Law Associates, AOR

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

Application for substitution is allowed after

condoning the delay and setting aside abatement.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILY)
COURT MASTER (NSH)

[Signed Order is placed on the file]