

ITEM NO.102

COURT NO.7

SECTION XVI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 8098 OF 2004

BINAPANI PAUL

Appellant (s)

VERSUS

PRATIMA GHOSH & ORS.

Respondent(s)

(With appln.(s) for permission to place additional documents and office report)

Date: 14/12/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. S.B. Sanyal, Sr. Adv.

Mr. Rauf Rahim, Adv.

Mr. Mohd. Iqbal, Adv.

For Respondent(s)

Mr. Bhaskar P. Gupta, Sr. Adv.

Mr. Tara Chandra Sharma, Adv.

Ms. Neelam Sharma, Adv.

Mr. Abhijat P. Medh ,Adv

UPON hearing counsel the Court made the following

O R D E R

Before us, a preliminary submission was made by Mr. Sanyal, the learned senior counsel appearing on behalf of the appellant, that the judgment has been delivered by the Division Bench of the Calcutta High Court after nineteen months. Relying on some decisions of this Court to it in Kanhaiyalal & Ors. Vs. Anupkumar & Ors., (2003) 1 SCC 430; P.H Pandian Vs. Veldurai & Anr., JT 2001 (9) SC 10 and a judgment of this Court dated 06/10/2005 in Civil Appeal No.5117 of 2002 titled Rabi

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Ranjan Gupta (D) By His Lrs. Vs. Jayati Roy & Anr., a submission is made that the judgment should be set aside and the matter should be remanded to the High Court for consideration of the first appeal preferred by the respondent afresh. Keeping in view the fact that the parties herein are brother and sisters and the suit was filed as far back on 19/09/1973, we are of the opinion that the matter should be heard by this Court. We are passing this order as, it appears to us that for delivering an effective

judgment it may be necessary to peruse through the depositions of the witnesses. Learned counsel for the parties are requested to file written submissions by third week of January 2007.

List the matter in the first week of February, 2007.

(Ravi P. Verma)

Court Master

(Pushap Lata Bhardwaj)

Court Master