

ITEM NO.63

COURT NO.10

SECTION XIV

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). 845/2016

(Arising out of impugned final judgment and order dated 23/09/2014 in CRP No. 144/2014 passed by the High Court Of Delhi At New Delhi)

SUSHILA JETHWANI @ KIRAN KRIPLANI

Petitioner(s)

VERSUS

SUMITA JETHWANI @ BAGHVANTI JETHVANI AND ORS

Respondent(s)

(with appln. (s) for c/delay in filing SLP and dispensing with service of notice and application on behalf of the petitioner u/s 151 CPC to allow her to plead through her husband advocate, special power of attorney Ashok Kriplani and interim relief and office report)

Date : 20/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Petitioner in person

For Respondent(s) Mr. Abinash Kumar Mishra, Adv.
 Mr. Nitish Harsh Gupta, 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.

(NEELAM GULATI)
COURT MASTER

(SUMAN JAIN)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 764 OF 2017
(Arising out of SLP(C) No. 845 of 2016)

SUSHILA JETHWANI @ KIRAN KRIPLANI

Appellant(s)

VERSUS

SUMITA JETHWANI @ BAGHVANTI JETHVANI AND ORS.

Respondent(s)

O R D E R

Leave granted.

It is agreed to between the parties that there should be waiver of the cost of Rs.5,000/- (Rupees five thousand only) and let thereby revival of the suit.

At the same time it is also agreed that as the respondent has been proceeded ex parte that order is also set aside with the consent of the parties. The respondent will have right to recall the witness and cross examine them. We make aforesaid modification in the orders as agreed. However remaining amount of diet money shall be deposited by the petitioner within fifteen days from today before the trial court. The trial court shall restore the suit, order of dismissal is also set aside with consent of parties. With the consent of the parties, we fix the date

for appearance of parties before the trial court on
February 09, 2017.

The Appeal is allowed.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI
JANUARY 20, 2017