

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 13935 OF 2015  
(arising out of S.L.P.(Civil) No.35209 of 2011)

JAYENDRA AWAD ... APPELLANT(S)

VS.

NIVEDITA SHARMA AND ORS. ... RESPONDENT(S)

J U D G M E N T

Anil R. Dave, J.

1. Leave granted.
2. In view of the judgment of this court dated 16<sup>th</sup> October, 2015 in Prakash & Ors. vs. Phulavati & Ors., the impugned order is set aside and the appeal is remanded to the High Court for a fresh decision on merits in accordance with law.
3. Parties shall appear before the High Court for further proceedings on 14<sup>th</sup> December, 2015.
4. The appeal is allowed accordingly. There shall be no order as to costs.
5. Pending applications stand disposed of.

.....J.  
[ANIL R. DAVE]

.....J.  
[ADARSH KUMAR GOEL]

New Delhi;  
30<sup>th</sup> November, 2015.

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). 35209/2011

(Arising out of impugned final judgment and order dated 30/09/2011 in FA No. 333/2009 passed by the High Court of M.P., Bench at Gwalior)

JAYENDRA AWAD

Petitioner (s)

VERSUS

NIVEDITA SHARMA AND ORS.

Respondent(s)

(With interim relief and office report)

Date : 30/11/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. R.Basant,Sr.Adv.  
Mr. Sushil Karanjkar,Adv.  
Mr. Dharmendra Kishor,Adv.  
Mr. Deepak Khot,Adv.  
For Mr. K. N. Rai,Adv.

For Respondent(s) Ms. Garima Prashad,Adv.  
Ms. Nivedita Sharma,Adv.  
Ms. Suruchi,Adv.  
  
Mr. M.Y. Deshmukh,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 non-reportable judgement. There shall be no order as to costs.

(Anita Malhotra)

Court Master

(Non-reportable judgment is placed on the file.)

(Sneh Bala Mehra)

Assistant Registrar

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

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For Petitioner(s)     Mr. R.Basant, Sr. Adv.  
                              Mr. Sushil Karanjkar, Adv.  
                              Mr. Dharmendra Kishor, Adv.  
                              Mr. Deepak Khot, Adv.  
                              For Mr. K.N. Rai, Adv.

For Respondent(s)     Ms. Garima Prashad, Adv.  
                              Ms. Nivedita Sharma, Adv.  
                              Ms. Suruchi, Adv.

                              Mr. M.Y. Deshmukh, 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.

There shall be no order as to costs.

(Anita Malhotra)

Court Master

(Signed order is placed on the file.)

(Sneh Bala Mehra)

Assistant Registrar