

ITEM NO.20

COURT NO.12

SECTION XII

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 11884/2023
(Arising out of impugned final judgment and order dated 23-01-2023
in CMP No. 19975/2022 in AS No. 338/2022 passed by the High Court
of Judicature at Madras)

S. SEMMALAI

Petitioner(s)

VERSUS

V. K. SASIKALA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.111035/2023-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT and IA No.111034/2023-CONDONATION OF
DELAY IN REFILING / CURING THE DEFECTS and IA No.111036/2023-
DELETING THE NAME OF PETITIONER/RESPONDENT)

Date : 24-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) **Mr. Siddharth Dave, Sr. Adv.**
Mr. K Gowtham Kumar, Adv.
Mr. Balaji Srinivasan, AOR
Mr. Shiva Krishnamurthi, Adv.

For Respondent(s) **Mr. G. Rajagopalan, Sr. Adv.**
Mr. Elantamil Arvalan, Adv.
Mr. Anil Kumar Mishra - I, Adv.
Mr. Supantha Sinha, Adv.
Mr. Anand Amrit Raj, Adv.
Mr. Aditya Jain-1, AOR

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

Delay condoned.

IA No.111036/2023 is allowed.

On behalf of the respondent(s) herein, learned senior counsel has stated upon instructions that the plaintiff-petitioner before the High Court is ready and willing to pay the court fees and would not raise any issue in that regard. He further requested this Court to issue appropriate request to the High Court to proceed with the hearing of the appeal expeditiously before the Division Bench in as much as in view of the valuation of the suit, the matter would be heard by a Division Bench.

In view of the above, nothing survives in the petition. The order of the High Court rejecting the application of the petitioner does not require any further consideration, in view of the concession given by the respondent(s). In effect, the application of the petitioner before the High Court would be rendered infructuous.

As soon as the Court fee is made good, appropriate orders would be passed for registering it before the appropriate Division Bench hearing such matters. We request the High Court to proceed with the hearing of the case expeditiously, as there are no questions of fact that would be determined and only a question of law as to whether the claim is liable to be rejected under Order VII Rule 11 of the CPC is under consideration. Apparently the hearing of the appeal would not take much

time, as such the same may be heard expeditiously.

The special leave petition is disposed of.

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

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)