

ITEM NO.13

COURT NO.8
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XII

Petition(s) for Special Leave to Appeal (C) No(s). 14895/2022

(Arising out of impugned final judgment and order dated 05-01-2022 in SAMD No. 1229/2005 passed by the High Court Of Judicature At Madras At Madurai)

K.M. NATARAJAN (DIED) THROUGH HIS LRS.

Petitioner(s)

VERSUS

PALANIAMMAL (DIED) THROUGH LRS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.96024/2022-EXEMPTION FROM FILING O.T. and IA No.96019/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 02-09-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. R. Balasubramanian, Sr. Adv.
Mr. T. R. B. Sivakumar, AOR

For Respondent(s)

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

Mr. R. Balasubramanian, learned Senior Advocate, for the petitioners has vehemently submitted that, while deciding the Second Appeal, under Section 100 CPC, the High Court has entered into the questions of fact and even the questions of law framed were also pure questions of law and none of the questions framed by the High Court can be said to be questions of law.

It is submitted that the High Court, in exercise of powers under Section 100 CPC, has set aside the concurrent findings recorded by the learned trial Court as well as the first Appellate Court with respect to the land other than the land admeasuring 29 3/4 cents.

Issue notice limited to restoring the judgment and order passed by the first Appellate Court as the judgment and decree passed by the first Appellate Court was never challenged by the petitioners, returnable on 28.09.2022.

Dasti, in addition, is permitted.

Parties are directed to maintain status *quo* except the land admeasuring 29 3/4 cents.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR