

ITEM NO.13

COURT NO.4

SECTION XII

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

Miscellaneous Application No. 839-841/2023 in C.A. Nos. 4999-5001/2021

PARIMALA PRAKASAM & ANR.

Petitioner(s)

VERSUS

T.S. AYYAPPAN & ORS.

Respondent(s)

(FOR ADMISSION)

WITH

MA 842/2023 in C.A. No. 4999-5001/2021 (XII)

(FOR ADMISSION and IA No.57848/2023-CLARIFICATION/DIRECTION)

Date : 16-05-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE AJAY RASTOGI
 HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. S. Santanam Swaminadhan, Adv.
 Ms. Abhilasha Shrawat, Adv.
 Mr. Kartik Malhotra, Adv.
 Mr. Anindit Mandal, Adv.
 Mr. Darsh Bansal, Adv.
 Mrs. Aarthi Rajan, AOR

By Courts Motion, AOR

For Respondent(s) Mrs. Geetha Kovilan, AOR
 Mr. A. Karthik, AOR

Mr. Hemendra Nath Reddy, Sr. Adv.
 Mr. Namit Saxena, Adv.
 Mr. Awnish Maithani, Adv.
 Mr. Prashanth Reddy, Adv.
 Mr. Shivam Raghuwanshi, Adv.
 Ms. Shiksha A., Adv.
 (Appearance slip not legible)

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

Civil Appeal Nos. 4999-5001 of 2021 were disposed of by this
 Court vide order dated 26.08.2021. The operative part of the order

is reproduced hereunder :-

"14. We, therefore, allow this appeal, set aside the orders passed by the High Court and restore the order passed by the trial Court in respect of IA Nos. 242 and 243 of 2005 and 154 of 2007.

15. One disturbing feature which emerges from the present facts is that the suit for partition is pending for last 24 years and repeated applications are being preferred by the defendants. The record also shows that the cross-examination of respondent No.1 was in progress when these applications came to be filed one after the other. We may observe that the trial Court shall do well to conclude the proceedings as early as possible and preferably within six months of the receipt of copy of this order. We may also observe that the trial Court shall not entertain any such interim applications hereafter."

Thereafter, an application was filed for extension of time at the instance of the Presiding Officer and this Court granted indulgence to conclude the trial within the extended time granted to him.

A letter has now been received from the office of the Presiding Officer dated 24.03.2023 seeking three months' further

extension to conclude the trial.

The complaint of the applicants/plaintiffs before this Court is that only the statements of Defence Witnesses, DW2 and DW3 (who are Defendants 6 & 8) are to be recorded and the court proceedings show that for reasons best known, they are not getting the statements recorded, and that appears to be the reason that the matter could not be concluded.

We are not going into merits of the matter at this stage, but consider it appropriate to observe that let the trial court may take a call and decide the pending suit within a further period of six months. The statements of Defence Witnesses, which are yet to be examined, shall be examined on priority basis. The defendants shall cooperate for the speedy conclusion of the trial.

With the above observations, the misc. applications are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER