

ITEM NO.20

COURT NO.16

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 23333/2023

(Arising out of impugned final judgment and order dated 15-09-2023 in WB No. 8084/1984 passed by the High Court of Judicature at Allahabad)

GODAWARI DEVI (DEAD THROUGH LRS)

Petitioner(s)

VERSUS

THE DEPUTY DIRECTOR OF
 CONSOLIDATION, DEORIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.213626/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.213627/2023-EXEMPTION FROM FILING O.T.)

Date : 17-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
 HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr. Yatendra Singh, Sr. Adv.
 Ms. Awantika Manohar, AOR
 Mr. Nilesh Sharma, Adv.
 Ms. Parul Dhruvey, Adv.

For Respondent(s)

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

Heard learned senior counsel appearing for the petitioners.

During the arguments, it is submitted that though the contention founded on proviso to Section 49 of the Registration Act, 1908 was raised and pressed into service that was not considered by the High Court in the impugned judgment. Obviously, the said contention is not considered as can be seen from the impugned judgment.

Hence, we are of the view if the contention was not considered despite being raised and argued, the petitioners have to approach the High Court by filing review petition.

Learned senior counsel for the petitioners would submit that the petitioners may be permitted to withdraw this special leave petition with liberty to file review petition raising the aforesaid question.

Recording the said submission and without making any observation on merits, we permit the petitioners to withdraw this matter. Accordingly, this special leave petition is dismissed as withdrawn with the aforesaid liberty.

(SWETA BALODI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)