

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.14115-14117 OF 2024
[ARISING FROM SLP(CIVIL) NOS.28647-29649 OF 2024]
[Arising from Diary No(s). 47026/2023]

PREMNARAYAN (DEAD)
THROUGH HIS LR MUNNALAL SHUKLA APPELLANT(S)

VERSUS

PARMANAND BRAHMAN (SINCE DECEASED)
THR. LRS. & ORS. RESPONDENT(S)

O R D E R

1. Delay condoned.
2. Leave granted.
3. These appeals arise from the judgments and orders passed by the High Court of Madhya Pradesh on 21.07.2017, 10.01.2023 and 28.04.2023 in Second Appeal No.840 of 2005, Review Petition No.1089 of 2018 and Misc. Civil Case No.273 of 2023 respectively.
4. While issuing notice on 02.09.2024, this Court had passed the following order :

"Learned counsel appearing for the petitioner referring to the copy of review petition submitted that Mr. R.K. Samaiya, who was earlier the counsel for the petitioner before the High Court, had given '*No Objection Certificate*' in September, 2010, and thereafter Mr. K.B. Vishwakarma, Advocate, was engaged. However, in the year 2017, at the time when Mr. Samaiya had no instructions, he stated before the High Court that he has instructions to withdraw the appeal.

It was, further, submitted that in the review petition a specific plea was taken regarding the 'No Objection Certificate' given by Mr. Samaiya and the engagement of Mr. K.B. Vishwakarma, Advocate for the petitioner, but the High Court did not consider this aspect and rejected the review petition also.

Issue notice on the application seeking condonation of delay as also on the special leave petition(s), returnable within four weeks.

Dasti, in addition, is permitted.

Liberty to serve notice on the standing counsel for the State of Madhya Pradesh is granted."

5. Despite service of notice, no one has put in appearance on behalf of the respondents. As such there is no rebuttal to the facts recorded in the aforesaid order. On that short point alone, we allow these appeals, set aside the impugned orders passed by the High Court and restore the Second Appeal to its original number, to be heard and decided on its own merits in accordance to law.

6. Pending applications shall stand disposed of.

....., J.
(VIKRAM NATH)

....., J.
(PRASANNA B. VARALE)

NEW DELHI;
DECEMBER 09, 2024.

ITEM NO.56

COURT NO.6

SECTION IV-C

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). 47026/2023

[Arising out of impugned final judgment and order dated 21-07-2017 in SA No. 840/2005 10-01-2023 in RP No. 1089/2018 28-04-2023 in MCC No. 273/2023 passed by the High Court of Madhya Pradesh Principal Seat at Jabalpur]

PREMNARAYAN (DEAD)
THROUGH HIS LR MUNNALAL SHUKLA

Petitioner(s)

VERSUS

PARMANAND BRAHMAN (SINCE DECEASED) THR. LRS. & ORS. Respondent(s)

(IA No.133996/2024 - CONDONATION OF DELAY IN FILING, IA No.133998/2024- CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS, IA No.133995/2024- EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No.133993/2024- EXEMPTION FROM FILING O.T.)

Date : 09-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Aditya Kumar Dubey, Adv.
Ms. Vijeta Dubey, Adv.
Mr. Nitin Singh, Adv.
Ms. Harshita Sharma, Adv.
Mr. Subas Ray, Adv.
Ms. Charu Sangwan, AOR

For Respondent(s)

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

Delay condoned.

Leave granted.

These appeals are allowed in terms of the signed
order.

Pending applications shall also stand disposed of

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER

(Signed order is placed on the file.)