

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. _____ of 2024
(arising out of SLP(C) No. _____ of 2024)
(@ Diary No. 43166/2023)

VANITHA & ORS.

APPELLANT(S)

VERSUS

OMANA & ORS.

RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

The impugned judgment dated 13.01.2020 deciding the Regular Second Appeal nos. 549/2011 and 569/2011, is unsustainable in law, as no substantial question of law was framed.

The disposal of the second appeal(s) without framing a substantial question of law, is contrary to the well settled ratio expressed by this Court in several judgments referred to in *Gurdev Kaur & Ors. v. Kaki & Ors.*¹

Accordingly, we set aside the judgment dated 13.01.2020 with an order of remand to the High Court for a fresh decision on the Regular Second Appeals.

The second impugned order dated 18.09.2023, dismissing the applications for review, which were filed upon liberty granted by this Court, is also set aside.

The appeals will be decided uninfluenced by the earlier

order/judgment dated 13.01.2020.

To cut short delay, parties are directed to appear in person or through an authorised representative before the High Court on 29.04.2024.

The present appeals are disposed of in the above terms. We have not commented on the merits.

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

.....J.
(SANJIV KHANNA)

.....J.
(DIPANKAR DATTA)

NEW DELHI;
FEBRUARY 27, 2024.

ITEM NO.19

COURT NO.2

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No. 43166/2023

(Arising out of impugned final judgment and order dated 13-01-2020 in RSA Nos. 549/2011 and 569/2011 and 18-09-2023 in RP Nos. 925/2023 and 927/2023 passed by the High Court of Kerala at Ernakulam)

VANITHA & ORS.

Petitioner(s)

VERSUS

OMANA & ORS.

Respondent(s)

(IA No.243492/2023-CONDONATION OF DELAY IN FILING and IA No.243491/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.243490/2023-EXEMPTION FROM FILING O.T.)

Date : 27-02-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Mr. K. Parameshwar, Adv.
Mr. Alex Joseph, AOR
Mr. Alan Sabu, Adv.
Mr. Mayank Dwivedi, Adv.
Mrs. Sangeetha Mr, Adv.
Ms. Banupriya Sharma, Adv.

For Respondent(s)
Mr. Mohammed Sadique T.A., AOR
Mr. Alim Anvar, Adv.
Mr. Abraham Mathew, Adv.

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

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

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

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)