

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.298 OF 2007

GHUDUSAB @ GOUSEMOHIDDIN A.BURDI & ORS. .. APPELLANT(S)

VS.

GHUDUSAB IMAMSAB BURDI (D) BY LRS. & ORS. .. RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel appearing for the parties.
2. The learned counsel could not dispute the fact that while deciding Regular Second Appeal No.390 of 1996, the High Court had not considered the judgment delivered by this Court in the case of Abubkar Abdul Inamdar (D) by LRs. & Ors. Vs. Harun Abdul Inamdar & Ors. [(1995) 5 SCC 612], which *prima facie* appears to be quite relevant.
3. In the circumstances, the appeal is remitted to the High Court so that after considering the afore-stated judgment and other relevant judgments, which might be referred to by the learned counsel for the parties, the appeal can be decided afresh.

4. We also clarify that we have not expressed any opinion on the merits of the case and the High Court will decide the matter after considering the submissions which might be made and judgment(s) which might be cited.

5. The impugned judgment is set aside and the appeal is allowed with no order as to costs.

6. The parties shall appear before the High Court on 14th September, 2015, so that the appeal can be decided at an early date.

.....J.
[ANIL R. DAVE]

.....J.
[KURIAN JOSEPH]

JUDGMENT

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
20th August, 2015.