

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 4282 of 2016

with

I.A. No. 4820 of 2016

In

L.P.A No. 44 of 2015

Nav Nirman Builders

..... Appellant.

Versus

The State of Jharkhand & others

...Respondents.

CORAM: HON'BLE MR. JUSTICE D.N. PATEL

HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Appellant : Mr. Jitendra Singh, Sr. Advocate
M/s Rajesh Lala, Piyush Lal,
Yash Singh, Arpit Kumar, Advocates
For the State : Mr. Kumar Sundaram, J.C. to A.A.G.
For the JSHB : Mr. Sachin Kumar, Advocate

06/Dated: 2nd August, 2016

Oral order:

Per D.N. Patel, J.:

I.A. No. 4282 of 2016

1. This interlocutory application has been preferred for amendment in the memo of appeal and for stay.
2. Having heard counsels for both the sides and looking to the contentions raised in this Interlocutory Application, it appears that the amendment will be useful for deciding the disputes between the parties. Moreover, if this amendment is allowed, it will not change the nature of the whole litigation between the parties and hence, this I.A. is allowed.
3. Necessary amendment shall be carried out by red ink in the memo of appeal or fresh amended Letters Patent Appeal may be supplied alongwith annexures within a period of one month from today.
4. Liberty is reserved with the respondents to file reply of the averments made in the amended memo of Letters Patent Appeal.
5. Looking to the facts and circumstances of the case, it appears that the flats have already been sold away by this appellant to the purchasers and they are also staying in the flats. There is a prima facie case in favour of this appellant. Balance of convenience is also in favour of this appellant and irreparable loss will be caused to the appellant if the stay, as prayed for, is not granted. We therefore, during pendency of final hearing of this Letters Patent Appeal, stay the operation, implementation and execution of letter dated 2nd June, 2016 issued by the Chief Engineer (Annexure-25) as well as the report given by the Committee dated 22nd January, 2016 which is communicated on 31st March, 2016 (Annexure-26).

2.

6. Counsel appearing for the appellant, upon instructions from his client, voluntarily submitted that the following flats are in possession of the appellant and they voluntarily submitted that they shall not transfer these flats to anyone nor they utilize the same.

Sl Nos.	Block	Flat Nos.
1	A-1	6/4
2.	B-2	9/1, 9/2
3.	A-2	9/1, 9/2
4.	A-3	9/1, 9/2
5.	B-1	9/2

7. This Interlocutory application is allowed and disposed of, in view of the aforesaid observation.

I.A. No. 4820 of 2016

8. Having heard counsels for both the sides and looking to the facts and circumstances of the case, from the first line of para no.1 and from second line of para no.2 of the memo of appeal, the following words “the part of” are permitted to be deleted.

9. This amendment shall be carried out by red ink.

10. Thus, when the fresh memo of appeal is provided, these words “the part of” shall be permitted to be deleted.

11. This interlocutory application is allowed and disposed of.

L.P.A No. 44 of 2015

12. Having heard counsels for both the sides and looking to the contentious issues raised in this Appeal, this Letters Patent Appeal is **Admitted**.

13. Counsel for the respective respondents waives notice of **Admission**.

14. This matter will be enlisted under the heading “For Final Hearing” in the 2nd week of March, 2017 alongwith L.P.A. No. 45 of 2015 with allied matters.

(D.N. Patel, .J.)

(Amitav K. Gupta, J.)