

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

RECORD OF PROCEEDINGS

IA 2/2005 in CIVIL APPEAL NO. 848 OF 2005

BEE FATHIMA AND ORS.

Appellant (s)

VERSUS

SAFUBAI ABBASBHAI BANDUKWALA AND ORS.

Respondent(s)

(For vacating stay and office report )

Date: 06/01/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Dr. N.M.Ghatate, Sr. Adv.

Mr. S.V. Deshpande, Adv.

Ms.Anuradha Rustagi, Adv.

For Respondent(s)

Mrs. N.A. Badukhwala, Adv.

Mr. Bhargava V. Desai, Adv.

Mr. Sanjeev Kr. Singh, Adv.

Ms. Sheenam Parwanda, Adv.

UPON hearing counsel the Court made the following

O R D E R

Counsel for the respondents has filed an application for revocation of the leave granted on

the ground that the appellants have suppressed material facts from the Court such as non-disclosure of

filing of an undertaking in the Court to vacate the premises by 31st January, 2005 and filing of an

incorrect copy of the writ petition.

We were inclined at one stage to vacate the stay but keeping in view the fact that the

appellants are running a restaurant which is a commercial undertaking, we reject the application for

revocation of leave but order that the appeal be listed for hearing in the month of March, 2006. Since,

prima facie, we are of the view that the appellants did not disclose certain facts, the appellants are

burdened with the costs of Rs.10,000/- to be paid to the respondents within four weeks from today either

directly to the respondents against receipt or hand over the same to the Advocate-on-record.

(Parveen Kr. Chawla)

(Kanwal Singh)

Court Master

Court Master