

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

Petition(s) for Special Leave to Appeal (Civil) No.22431/2003

(From the judgement and order dated 18/04/2003 in SA 60312/02

of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MORADABAD DEVELOPMENT AUTHORITY

Petitioner (s)

VERSUS

MAHAVEER SINGH &amp; ORS.

Respondent (s)

(With prayer for interim relief)  
( With Appln(s). for c/delay in filing SLP )  
WithSLP(C)...CC 10903/2003, SLP(C)...CC 11083/2003, SLP(C)...CC 11094/2003,  
SLP(C)...CC 11252/2003, SLP(C)...CC 1270/2004, SLP(C)...CC 1271/2004,  
SLP(C)...CC 1272/2004, SLP(C)...CC 1273/2004, SLP(C)...CC 1274/2004,  
SLP(C)...CC 1275/2004, SLP(C)...CC 1276/2004, SLP(C)...CC 1277/2004,  
SLP(C)...CC 1278/2004, SLP(C)...CC 1279/2004, SLP(C)...CC 1280/2004,  
SLP(C)...CC 1281/2004, SLP(C)...CC 1282/2004, SLP(C)...CC 1283/2004,  
SLP(C)...CC 1284/2004, SLP(C)...CC 1285/2004, SLP(C)...CC 1286/2004,  
SLP(C)...CC 1287/2004, SLP(C)...CC 1288/2004, SLP(C)...CC 172/2004,  
SLP(C)No.21809/2003, SLP(C)No.21885/2003, SLP(C)No.22028/2003,  
SLP(C)No.23514/2003, SLP(C)No.23549/2003, SLP(C)No.23643/2003, SLP(C)No.2642/2004,  
SLP(C)No.2643/2004, SLP(C)...CC 365/2004, SLP(C)...CC 366/2004,  
SLP(C)...CC 367/2004, SLP(C)...CC 368/2004, SLP(C)...CC 370/2004

Date : 03/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE P.VENKATARAMA REDDIFor Petitioner (s) Mr. Bharat Sangal, Adv.  
Ms. Sangeeta Panicker, Adv.  
Mr. R.R. Kumar, Adv.Mr. Soli J. Sorabjee, AG  
Mr. Sudhir Kulshreshtha, Adv.  
Ms. Reena Singh, Adv.

For Respondent (s) Mr. Jatin Zhaveri, Adv.

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

SLP(C)No.22431/2003:

As far as this SLP is concerned Mr. Jatin Zhaveri accepts notice on behalf of the respondents.

We dispose of the SLP by modifying the interim order granted by the High Court to the following effect:

There will be stay of the operation of the order of the Reference Court subject to the petitioner's depositing in the Reference Court 50% of the enhanced amount within a period of three months from date. 30% of the enhanced amount may be withdrawn by the respondent subject to furnishing security to the satisfaction of the Additional District Judge. The balance of the amount so deposited will be invested by the Reference Court in a short term fixed deposit in a Nationalised Bank and shall hold the receipt of the same until further orders of the High Court.

SLP(C)No.21809, 21885, 22028, 23514, 23549 & 23643/03 & SLP(C) CC.Nos.11083, 11094, 11252,/2003, 172, 365, 366, 367, 368 & 370/2004:

Delay condoned.

We dispose of the SLPs by modifying the interim order granted by the High Court to the following effect:

There will be stay of the operation of the order of the Reference Court subject to the petitioner's depositing in the Reference Court 50% of the enhanced amount within a period of three months from date. 30% of the enhanced amount may be withdrawn by the respondent subject to furnishing security to the satisfaction of the Additional District Judge. The balance of the amount so deposited will be invested by the Reference Court in a short term fixed deposit in a Nationalised Bank and shall hold the receipt of the same until further orders of the High Court.

SLP(C) CC.NO.10903/2003:

Delay condoned.

Issue notice as to why the order should not be modified by permitting the withdrawal of 30% of the amount deposited instead of 50% of the deposit as directed in other cases.

There will be interim stay only to the extent that the respondents will be entitled to withdraw the 30% of the amount deposited subject to furnishing security is extended by three months.

SLP(C)..CC.1270-1277, 1279-1286/2004 & SLP(C)No.2642-2643/2004:

Delay condoned.

We dispose of the SLPs by modifying the interim order granted by the High Court to the following effect:

There will be stay of the operation of the order of the Reference Court subject to the petitioner's depositing in the Reference Court 50% of the enhanced amount within a period of three months from date. 30% of the enhanced amount may be withdrawn by the respondent subject to furnishing security to the satisfaction of the Additional District Judge. The balance of the amount so deposited will be invested by the Reference Court in a short term fixed deposit in a Nationalised Bank and shall hold the receipt of the same until further orders of the High Court.

It is stated by the learned counsel appearing on behalf of the respondents that the entire enhanced amount has already been deposited by the petitioner in the District court. The learned counsel appearing for the petitioner states that she has no instructions in this regard. Be that as it may, if the amount has been so deposited then, in any event, the withdrawal will be 30% of the enhanced amount as directed by us in the previous paragraph. If the amount has not been deposited the deposit shall be made within a period of three months from date.

SLP(C)..CC.No.1287/2004:

Delay condoned.

Issue notice.

There will be interim stay only to the extent that the respondents will be entitled to withdraw the 30% of the amount deposited subject to furnishing security to the satisfaction of the Reference Court. The time to make the deposit is extended by three months.

The deposit to be made in the High Court and the High Court is requested to dispose of the pending appeal as expeditiously as is conveniently possible as the matter appears to have been pending for the last several years.

SLP(C)..CC.No.1287 and 1288/2004:

Delay condoned.

Issue notice.

There will be interim stay only to the extent that the respondents will be entitled to withdraw the 30% of the amount deposited subject to furnishing security to the satisfaction of the Reference Court. The time to make the deposit is extended by three months.

(USHA BHARDWAJ)  
P.S. TO REGISTRAR

(MADHU SAXENA)  
COURT MASTER