

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3833/2005

(From the judgement and order dated 30/07/2004 in CMWP No. 29341/2004 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAHMATULLAH & ORS.

Petitio ner(s)

VERSUS

VIJAY KUMAR SETH & ANR.

R espondent(s)

(With prayer for interim relief)

(Appln. for c/delay in filing rejoinder affidavit)

Date: 07/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Balaji Srinivasan, Adv.

Mr.S. Ananda Krishna Raj, Adv.

Mr. Ranbir Singh Yadav,Adv.

For Respondent(s)

Mr. B.S. Jain, Adv.

Mr. Ajay Veer Singh, adv.

Mr. J.P. Singh, Adv.

Dr. (Mrs.) Vipin Gupta,Adv.

Mr. Sunil Kr. Jain, adv.

UPON hearing counsel the Court made the following

O R D E R

ed. The rejoinder affidavit is taken on record. Delay in filing rejoinder affidavit is condoned.

Leave granted.

The appeal stands disposed of in terms of the signed order.

No order as to the costs.

(Ajay Kr. Jain)
(Vijay Dhawan)

Court Master
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2839 OF 2006

(Arising out of SLP(C) No. 3833 of 2005)

Rahmatullah & Ors.
nts

.... Appella

Versus

ents

.... Respond

Vijay Kumar Seth & Anr.

O R D E R

Leave granted.

It is submitted before us on behalf of the appellant that the question of jurisdiction has since been decided in favour of the appellant. Counsel for the respondents however states that a revision petition against the said order is pending before the High Court.

However, it is submitted that the injunction order is continuing. The question is, whether in view of the findings of the trial court and the appellate court the injunction should continue. Rather than this

Court considering that question, we think it will be appropriate if the matter is remitted to the High Court.

Accordingly, we remit the matter to the High Court for hearing and disposal afresh in accordance with law

and after taking note of the subsequent proceedings.

Since the matter has remained pending for some time, we request the High Court to dispose of

the matter as soon as possible, and preferably within six months from the date the parties appear before it.

The appeal stands disposed of. No order as to the costs.

.....J.

(B.P. SINGH)

.....J.

(ALTAMAS KABIR)

New Delhi

July 07, 2006