

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.3920/2000

(From the judgement and order dated 21/10/1999 in CSA 41/93
of The HIGH COURT OF J & K AT JAMMU)

KAMESHWAR GUPTA

Petitioner (s)

VERSUS

TILAK RAJ

Respondent (s)

(With prayer for interim relief)

Date : 22/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s)

Mr. Dinesh Kumar Garg,Adv.

For Respondent (s)

Mr. Ramesh Babu M.R.,Adv.

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

.....L.....I..T.....T.....T.....T.....T.....T.....J..T....R
.SP2

Heard the learned counsel for the parties.

On March 13, 2000, this Court passed the
following order:-

.SP1

"Learned counsel for the petitioner on instructions states that the petitioner-tenant is willing to have partial decree and according to him even the respondent-landlord is agreeable to partial decree and further negotiations are also going on for purchase of this property. On this statement notice to issue to the respondent returnable after six weeks. There will be ad interim stay of decree for possession in the meanwhile. In the meantime the petitioner shall produce on record copies of trial court and the lower appellate court judgments."

..2/-

.SP2

In the counter affidavit filed by the respondent, it is stated in para 6 that the respondent has never agreed for partial eviction or for purchase of the property and that the petitioner is misleading this Court. Though the petitioner has filed a rejoinder, inspite of our askings the learned counsel has not been able to point out an averment therein denying the said allegation. In view of this notice issued is discharged. The special leave petition is dismissed.

.SP1

[Naresh Kumar]
Court Master

[Om Prakash]
Court Master