

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)...../2005

CC 851/2005

(From the judgement and order dated 18/09/2004 in WP No. 3674/2001 of HIGH

COURT OF UTTARANCHAL AT NAINITAL)

WONG SUN MOI & ORS.

Petitioner(s)

VERSUS

ARUN GOYAL & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

WITH IA.2 (Appln. For permission to file additional documents)

Date: 04/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Mr. Sudhir Kumar Gupta,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Counsel for the petitioners states that the writ petition was originally

pending in the High Court of Judicature at Allahabad but after the creation of the State of

Uttaranchal, the writ petition was transferred to the High Court of Uttaranchal at Nainital.

The petitioners did not receive any intimation regarding the transfer of writ petition and,

therefore, had no notice of the fact that the writ petition will be heard by the High Court

of Uttaranchal at Nainital. That is the reason why they could not appear before the High

Court.

Counsel for the petitioners submits on the basis of these facts that he wishes

to move an appropriate application before the High Court of Uttaranchal at Nainital

bringing these facts to the notice of the High Court and seek appropriate remedy.

With a view to enable the petitioners to move the High Court, we direct that

the order of eviction shall not be executed for the period of four weeks from today,

during which period the petitioners must move the High Court and seek appropriate

relief.

With these directions, the special leave petition is dismissed.

(Sheetal Dhingra)

Court Master

(Asha Joshi)

Assistant Registrar