

ITEM NO.15

COURT NO.5

SECTION IX

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).1218/2007

(From the judgement and order dated 10/01/2007 in AFO No.843/2006 in
CS No.13/2007 in BCCCSC Suit No.4962/2006 of The HIGH COURT OF BOMBAY)

AJAY MOHAN & ORS.

Petitioner(s)

VERSUS

H.N. RAI & ORS.

Respondent(s)

[With appln(s) for exemption from filing c/c of the impugned Judgment
and with prayer for interim relief]

Date: 02/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. R.F. Nariman, Sr. Adv.

Mr. Shyam Divan, Sr. Adv.

Mr. Parimal K. Shroff, Adv.

Ms. Parachi Khandge, Adv.

Ms. Radhika Kalptaru, Adv.

Mr. Surya Kant Jadhav, Adv.

Mr. Mahesh Agrawal, Adv.

Mr. Rishi Agrawal, adv.

Mr. E.C. Agrawala, Adv.

For Respondent(s) Mr. Ashok H. Desai, Sr. Adv.

Mr. P.H. Parekh, Adv.

Mr. Sameer Parekh, Adv.

Mr. Ajay Jha, Adv.

Mrs. Sonali Basu Parekh, Adv.

Mrs. Deeksha Rai, Adv. for

M/s. P.H. Parekh & Co., Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

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Having regard to the facts and circumstances, of the case, we pass the following order :

S.L.P.(C)No.1218/2007 (Contd.)

"Counsel for the respondent-defendants, on instructions, states that the defendants have no intention to create third party rights till the disposal of the amendment application filed by the petitioners before the concerned City Civil Court, which is coming up before the said Court for disposal on 07th February 2007. We direct the concerned Court to dispose of the Chamber Summons on 07th February 2007 and till then, as stated on behalf of the counsel for the respondents-defendants, no third party interest shall be created.

The Chamber Summons shall be decided uninfluenced by any observations made by the High Court in the impugned order.

Counsel for the petitioners submits that the prayers made in the Chamber Summons are for amendment of the plaint as well as for interim relief.

The Court will consider all the reliefs prayed for in the Chamber Summons and pass appropriate orders."

The Special Leave Petition is disposed of accordingly.

(Subhash Chander)

Court Master

(Vijay Dhawan)

Court Master