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SLP(C)No. 2400 OF 2003

ITEM No.32

Court No. 4

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.2400/2003

(From the judgement and order dated 22/11/2002 in AN 381/01  
of The HIGH COURT OF BOMBAY)

NAGINBHAI PRAGJI DESAI

Petitioner (s)

VERSUS

TARABEN AMBALAL SHAH & ANR.

Respondent (s)

(With prayer for interim relief and office report)  
(With appln.(s) for bringing Lrs. On record of deceased Respondent No. 2)  
(With appln. For c/delay in filing appln., for substitution)

Date : 04/04/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. V.A. Mohta,Sr. Adv.  
Mr. Ashish Wad,Adv.  
Mrs. Jayshree Wad, Adv.  
M/s. J.S. Wad & Co.,Adv.

For Respondent (s)Mr. Shekhar Naphade, Sr. Adv.  
For RR-1 Mr. Hardeep Singh Anand,Adv.

UPON hearing counsel the Court made the following

O R D E R

Application for bringing LRs. of deceased respondent No. 2 on record is allowed. Let the index be corrected within three days.

The special leave petition is dismissed.

After hearing the learned counsel for respondent No. 1 present on caveat, the petitioner, in the peculiar facts and circumstances of this case, is permitted to remain in occupation of the property for a period of one year from today subject to his filing undertaking in this Court within a period of four weeks for delivering peaceful and vacant possession to the respondents on or before the expiry of said period of one year.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master