

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).5893-94/2013

(From the judgement and order dated 16/01/2013 in SA No.492/2011, CA No. 1201/2011 of The High Court of Bombay)

M/s. Bata Shoe Company and another

Petitioner(s)

versus

Pune Cantonment Board and another

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment and prayer for interim relief)

Date: 07/02/2013 These Petitions were called on for mentioning today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. Bimal Roy Jad, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Taken on Board.

These petitions are directed against order dated 16.1.2013 of the learned Single Judge of the Bombay High Court, whereby he dismissed the second appeal as also the civil application filed by the petitioners, but made it clear that if they are entitled to avail other remedies, then they shall be free to do so.

Having heard Shri Ranjit Kumar, learned senior counsel for the petitioners and perused the record, we are satisfied that the impugned orders do not suffer from any legal infirmity requiring interference under Article 136 of the Constitution.

The special leave petitions are accordingly dismissed.

However, liberty is given to the petitioners to avail other remedies including the one by filing a writ petition under Article 226 of the Constitution or by filing a revision under Section 277 of the Cantonments Act, 1924 against the order passed by the Appellate Authority.

The petitioners shall also be free to apply for interim relief after giving notice to the other side.

We also direct that for a period of two weeks, the respondents shall not demolish the disputed construction.

The Registry is directed to forward a copy of this order to the Executive Officer, Pune Cantonment Board, Golibar Maidan, Pune by fax.

| (Parveen Kr.Chawla)

| Court Master

| | (Phoolan Wati Arora)

| | Court Master
