

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.6458 OF 2001

DEVENDRA KUMAR SAREWGEE & OTHERS

Appellant(s)

VERSUS

PURBANCHAL ESTATES PVT. LTD. & OTHERS

Respondent(s)

(with office report)

WITH CONTEMPT PETITION(C) NO.513/2004 IN CA 6458/2001

Date: 07/04/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE A.K.MATHUR

For Appellant(s)

Mr. S.K. Sinha, Adv.

For Respondent(s)

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

Mr. Sourav Kirpal, Adv.

Mr. Pankaj Jain, Adv.

Mr. B.K. Jain, Adv.

Mr. J.L. Gupta, Sr. Adv.

Ms. Anu Mohla, Adv.

UPON hearing counsel the Court made the following

O R D E R

The dispute relates to a property bearing Plot No.3,

Alipur Park Place, in the heart of Calcutta. Appellant Nos.

1 & 3 are the owner of 35.30 % share approximately.

Appellant No.2 has sold his share of 29.40% approximately in

favour of respondent No.1. Appellants at one stage of

proceedings in this Court had made an offer either to

purchase the respondents' share at the rate of Rs. 25 lakhs

per Cottah or to sell his share to the respondents at the

same rate. Respondent No.1, who is the owner of 7.916

Cottahs is prepared to accept the offer made by the

appellants but does not want to give up his share for mesne

profits. Respondent No.3 who is the owner of 35.30% share

approximately has sold his share during the pendency of the

execution proceedings. Vendees of Respondent No.3 have not

been brought on record. Counsel appearing for respondent

No.3 is not in a position to either accept or reject the

offer made by the appellants and states that it is for the

subsequent vendees to decide as to whether they are prepared

to accept or reject the offer made by the appellants.

Counsel for the appellants seeks three weeks time to sound the vendees of respondent No.3 whether they are prepared to accept the offer made by him in this Court.

Adjourned by three weeks.

(Parveen Kr. Chawla)

Court Master

(Phoolan Wati Arora)

Court Master