

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).3912/2007

(From the judgement and order dated 15/12/2006 in CA No. 12343/2006 arising out of appeal from order No. 308/2006 and CANo.12346/2006 arising out of appeal from order No. 309/2006 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

MALI CHHOGAJI AMRAJ & ORS.

Petitioner(s)

VERSUS

RAMRAT ANBHAI B. AGRAWAL & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment,exemption from filing O.T. and prayer for interim relief ))

Date: 26/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr.T.L.V. Iyer, Sr.Adv.

Mr. Mehul Rathod, Adv.

Mr. Vipul Modi, Adv.

Mr. Raghvendra Srivastava, Adv.

Mr. Rauf Rahim, Adv.

Mr. Abhijat P. Medh, Adv.

Mr. Abhijat P. Medh,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Although, ordinarily we would have interfered with the impugned judgment as the High Court as it, in our opinion, was not correct in opining that the appeals which had arisen out of the orders passed in proceedings under Order 39 Rule 2A read with Section 151 of the Civil Procedure Code were cognate appeals; keeping in view the fact that only delay in filing the appeals has been condoned, we are not inclined to exercise our discretionary jurisdiction under Article 136 of the Constitution of India. The special leave petition is dismissed accordingly.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master