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SLP(C)No. 4962 OF 2003  
ITEM No.46

Court No. 4

SECTION XI  
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.4962/2003

(From the judgement and order dated 31/10/2002 in CMSA 178252/02  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

BULLU @ BHAGELU

Petitioner (s)

VERSUS

ARUN KUMAR KESHARI AND ANR.

Respondent (s)

(With prayer for interim relief)

Date : 10/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Ms. Lalita Kohli, Adv.  
Mr. Manoj Swarup, Adv.  
Mr. Anubhav Kumar. Adv. for  
M/s Manoj Swarup & Co.,Advs.

For Res. No.1 Mr. Pramod Swarup,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

Heard the learned counsel for the parties.

The appeal is allowed in terms of the signed order. No

costs.

(D.L.Chugh) (Promila Nagpal)  
Court Master Court Master

signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8805 OF 2003  
(Arising out of SLP(C) No.4962 of 2003)

BULLU @ BHAGELU Appellant(s)

versus

ARUN KUMAR KESHARI AND ANR. Respondent(s)

O R D E R

Leave granted.

Heard the learned counsel for parties.

Since the writ petition has been admitted and is pending, the High Court ought to have seen that by vacating the interim order pending disposal of the writ petition grave injustice will be caused and, if at all, there was only a need to direct the disposal of the main writ petition even if the court thought it necessary to alleviate the difficulties of the landlord. Interests of justice and fair play requires the maintenance of the status quo as to possession, once the writ petition has been entertained for further consideration. On this only ground we allow this appeal and direct that in view of the pendency of the writ petition the interim order granted by this Court shall continue till the disposal of the writ petition finally by the High Court.

We request the High Court to hear and dispose of the writ petition expeditiously, keeping in view the nature of controversy and the long drawn litigation involving the parties, at any rate, within six months from the date of receipt of a copy of this order. There will be no order as to costs. We make it clear that we have expressed no opinion on the merits of contention of the parties on either side.

.....J.  
(DORAISWAMY RAJU)

.....J.  
(ARIJIT PASAYAT)

New Delhi,  
November 10, 2003