

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).3330/2006

(From the judgement and order dated 02/01/2006 in WP No. 9021/2005 of The
HIGH COURT OF GUWAHATI ,ASSAM)

MD. NAZIMUL ISLAM

Petitioner(s)

VERSUS

MD. SAFIUR RAHMAN KHAN & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 12/02/2007 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.Manish Goswami, Adv. For

M/S Map & Co.

For Respondent(s)

Mr. Pravir Choudhary,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.721 OF 2007

(Arising out of SLP(C) No.3330/2006)

Md. Nazimul Islam

...Appellant

Versus

Md.Safiur Rahman Khan & Ors. ...Respondents

ORDER

Leave granted.

Having heard learned counsel for the parties,

we are of the opinion that in the facts and circumstances of

this case and particularly in view of the fact that on the three

dates out of the four dates mentioned by the learned trial

judge, the dates were not fixed for cross-examination of the

witnesses of the defendant, the impugned order cannot be

sustained. The appellant herein shall complete the affidavit

evidence within four weeks.

The learned trial judge shall fix a date for cross-

examination of the witnesses. The appellant shall produce

his

witnesses on the dates so fixed. No adjournment except for
cogent reasons shall be granted. The appeal is allowed.

.....J.

[S.B. SINHA]

.....

...J.

[MARKANDEY]

KATJU]

New Delhi,

February 12, 2007