

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3301 OF 2000

SATYA NARAYAN & ORS.
..APPELLANT (S)

.....

VERSUS

RAJIV KRISHNA ROHTAGI & ORS.
PONDENT (S)

...RES

O R D E R

This appeal arises out of an order made by the High Court on the appellate side confirming the order of the Single Judge vacating the order of injunction earlier granted in favour of the plaintiff. The suit filed was for specific performance of the alleged contract entered into in January, 1975. The suit was filed in the year 1998. The order of injunction was vacated both on the ground of undue delay in seeking specific performance and taking note of the fact that defendant Nos. 1 and 2 were minors on the alleged date of agreement.

We waited for sufficiently long time for the counsel engaged to appear on behalf of the appellants.

With the assistance of counsel for the respondents, we have gone through the judgment of the learned Single Judge and the order of the High Court passed in appeal. We find no ground to take a different view and allow the prayer for grant of

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temporary injunction. Learned counsel for the respondents points out that on the

plot in dispute now construction has been raised in which the respondents are living.

In these circumstances, we dismiss this appeal with no order as to costs.

.....J.

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M.DHARMADHIKARI)

(D.

.....J.

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RUN CHATTERJEE)

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NEW DELHI;

MAY 5, 2005.

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ITEM NO.105

COURT NO.11

SECTION XIV

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.3301/2000

SATYA NARAYAN & ORS.

Petitioner(s)

VERSUS

RAJIV KRISHNA ROHTAGI & ORS.

Respondent(s)

Date: 05/05/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. Mohan Pandey, Adv.(NP)

For Respondent(s)

Mr.Kailash Vasdev, Sr.Adv.

Mr.Prateek Kumar, Adv.

Mrs. V.D. Khanna, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order with no order as to costs.

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(Satish K. Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order is placed on the file)