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SLP(C)No. 4349 OF 2004
ITEM No.28

Court No. 2

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

IA No. 2 In
Petition(s) for Special Leave to Appeal (Civil) No.4349/2004
(From the judgment and order dated 17/02/2004 in WP 6211/04
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

ASHOK KUMAR & ANR.

Petitioner (s)

VERSUS

CHIEF CONTROLLING REVENUE AUTHORITY &ORS
(for directions)

Respondent (s)

Date : 08/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE DR. JUSTICE AR. LAKSHMANAN
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s)

Ms. Rani Chhabra, Adv.

For Respondent (s)

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

Leave granted.

The appeal is disposed of in terms of the signed order.

I.A. No. 2 is disposed of in view of the order passed above.

[Charanjeet Kaur]
Court Master

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. No. 2 In

CIVIL APPEAL NO. 2170 OF 2004
(arising out of SLP(C) No. 4349/2004)

Ashok Kumar & Anr.

..
Appellant(s)

Versus

Chief Controlling Revenue Authority & Ors.

..
Respondent(s)

O R D E R

Leave granted.

This appeal arises out of an interlocutory order passed by the High Court in a writ petition challenging the levy of stamp duty. During the pendency of the proceedings, the appellants sought for stay of the order of the Revenue Authority until the matter is disposed of. The High Court directed the stay of further action pursuant to the order of the Chief Controlling Revenue Authority provided the petitioner deposits half of the deficiency amount of stamp duty before the Collector, Saharanpur. It is against this order, this appeal is filed by special leave.

Considering the circumstances of the case, we think the appropriate direction would have been to stay the order of the Chief Controlling Revenue Authority subject to the condition that the appellants shall furnish a bank guarantee to the amount equivalent to what was fixed by the High Court which shall be kept alive until disposal of the

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matter before the High Court. Let such guarantee be furnished within a period of three weeks from today. Order of the High court shall stand modified accordingly.

The appeal is disposed of accordingly.

I.A. No. 2 is also disposed of in view of the order passed above.

.....J[S. RAJENDRA BABU]

.....J[Dr. AR. LAKSHMANAN]

.....J [G.P. MATHUR]

NEW DELHI,
APRIL 8,2004.