

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).4516/2005

(From the judgement and order dated 08/02/2005 in CMA 1395/04 in TC No.
3/2003 of The HIGH COURT OF JUDICATURE AT ALLAHABAD AT LUCKNOW BENCH)

MOHIT KUMAR

Petitioner(s)

VERSUS

DATO MOHAN SWAMI & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 07/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Mr. Harish N Salve, Sr. Adv.

Mr. Abhay P Sahay, Adv.

Mr. Chander Shekhar Ashri, Adv.

For Respondent(s)/

Mr. M L Varma, Sr. Adv.

Caveator(s)

Mr. Yunus Malik, Adv.

Mr. Sanjeev Agarwal, Adv.

Mr. Prashant Chaudhary, Adv.

UPON hearing counsel the Court made the following

O R D E R

The impugned order is confined to recording the statement of one witness L.N. Aggarwal who is 72 years of age. Though the learned senior counsel for the petitioner has submitted that Rule 40 of Chapter XXX of Allahabad High Court Rules is not applicable, but we are not inclined to go into that question in the present petition, inasmuch as we feel that the recording of the statement of that witness is even otherwise justifiable under Order XVIII Rule 16 of the Code of Civil Procedure.

The special leave petition is dismissed.

(D.P. WALIA)

(SHELLY SEN GUPTA)

COURT MASTER

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