

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

IA.NO.3 in CIVIL APPEAL NO(s). 6532 OF 2009

UMA SHANKAR SITANI & ORS.

Appellant (s)

VERSUS

LAND ACQN.COLLECTOR-CUM-DIV.OFFR.& ORS.

Respondent(s)

(With appln. for modification of Court's Order and office report )

Date: 10/05/2010

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE C.K. PRASAD

For Appellant(s)

Mr. Arun Kathpalia, Adv.

Mr. Sanjay Jain,Adv.

For Respondent(s)

Mr. Ravindra Bana,Adv.

UPON hearing counsel the Court made the following

O R D E R

By this application, the applicant seeks modification/clarification of our order dated 13th December, 2006, passed in a group of matters, staying the operation of the Award dated 3rd April, 1997, subject to H.S.I.I.D.C. complying with certain conditions, in those cases.

The grievance of the applicant is that although the H.S.I.I.D.C. has not challenged the award qua the applicant but the Executing Court is refusing to execute the award under the belief that the interim injunction granted by this Court, is applicable across the board in respect of all the land owners, irrespective of the facts whether award in their favour has been challenged or not.

On a pointed query by us, learned counsel appearing on behalf of the H.S.I.I.D.C. very fairly

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states that insofar as the applicant is concerned, the said authority has not filed any special leave petition in his case.

Under the circumstances. We dispose of the application with a direction to the Executing Court that while dealing with Execution applications, it must examine whether the operation of the award qua the applicants-landlord before it has been stayed by this Court or not.

[ Usha Bhardwaj ]  
Court Master

[ Pushap Lata Bhardwaj ]  
Asstt.Registrar