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SLP(C)No. 5883 OF 2001
ITEM No.17

Court No. 4

SECTION IVB
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

Petition(s) for Special Leave to Appeal (Civil) No.5883/2001

(From the judgement and order dated 28/11/2000 in CM 4689/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RACHPAL SINGH AND ORS.

Petitioner (s)

VERSUS

GIRDHARI LAL AND ORS.

Respondent (s)

(With prayer for interim relief)

Date : 16/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s) Mr. Rajiv K. Garg, Adv.
for Mr. Annam D.N. Rao, Adv.

For Respondent (s)

Mr. S.B. Upadhyay, Adv.

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

By the impugned order dated 28th November, 2000, the High Court, while directing that the appeal be listed within two years, further directed that the parties shall maintain status quo regarding possession and the applicants shall furnish security to the satisfaction of the executing court regarding mesne profits. It is pointed out that despite the direction contained in the impugned order, the appeal has still not been disposed of. The petitioners may approach the High Court and we have no doubt that appropriate directions for listing and disposal of the appeal

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would be made by the High Court having regard to its order dated 28th November, 2000. The main grievance of the petitioners is against the direction for furnishing security. It has, however, been noticed that respondent No.1 in the counter affidavit has stated that the direction for furnishing security is not for the petitioners to comply with but, in fact, the security in terms of the impugned order is required to be furnished by him. The said respondent has not furnished the security so far. We direct the first respondent to do so within a period of four weeks failing which the order of maintenance of status quo passed by the High Court shall stand vacated.

The special leave petition is disposed of in these terms.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master