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C.A.No. 5458 OF 2000

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5458 OF 2000

RATNA PRAHLAD DAS AGARWAL & ANR.

APPELLANTS

VERSUS

ARJUN DAS & ORS.

RESPONDENT

WITH C.A.NO. 6149/2002

O R D E R

Civil Appeal No.5458/2000 :

In a pending suit, the Trial Court granted an order of injunction on 5.2.1994 in favour of the plaintiffs so as not to evict them from the suit property. The defendants filed Miscellaneous Civil Appeal No. 179/1994 in the High Court. The High Court by the order dated 7.3.2000 allowed the appeal and reversed the order of injunction granted by the Trial Court. This Court on 4.12.2000 passed an order to maintain the status quo existing on the property. Having regard to what is stated above, it is clear that the status quo existing on the property is maintained from the date the Trial Court passed the order till today.

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The learned counsel for the appellants contended that the High Court committed an error in reversing the order of the Trial Court made in its discretion by granting injunction, particularly, when the discretion exercised by the Trial Court was neither perverse nor arbitrary, in other words, the High Court was not justified in interfering with the order of the Trial Court.

Per contra, the learned Senior counsel for the respondents submitted that all is not well with the plaintiff-appellants. They having suffered in the proceedings initiated under Section 47, cannot file a second suit; this ground alone was sufficient to deny the order of injunction to them. He also submitted that the fact of their purchasing the suit property was not disclosed for a long period when the suit is pending. In the view we propose to take, we do not wish to express one way or the other on the merits of the respective contentions. If, as pleaded on behalf of the respondents, the suit itself is not maintainable, the Trial Court will dispose of the same in accordance with law. All that we are concerned at this stage is, whether the order of status quo existing on the suit property should be altered,

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particularly, when the suit is pending trial and we are told that the recording of evidence has been commenced in the suit.

Under the circumstances, without expressing one way or the other, we direct that the status quo existing on the property should be maintained till the disposal of the suit. Having regard to the earlier round of litigation between the parties, the Trial Court is directed to dispose of the suit within a period of six months from today.

The appeal is disposed of accordingly.

Civil Appeal No.6149/2002 :

In the light of the disposal of Civil Appeal No.5458/2000, no separate order is needed. Accordingly, this appeal is also disposed of.

(SHIVARAJ V. PTAIL)J.

New Delhi, (D.M. DHARMADHIKARI)J.
August 5, 2003.
ITEM NO. 111 COURT NO.10 SECTION IV

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. 5458/2000

RATNA PRAHLAD DAS AGARWAL & ANR. APPELLANTS

VERSUS

ARJUN DAS & ORS. RESPONDENTS

with C.A.No.6149/2002-(With office report)

DATE: 05/08/2003 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For appellant (s)Mr. S.V. Deshpande, Adv.

For respondent (s)Mr. K. Ramamoorthy, Sr.Adv.
Mr. G.D. Gupta, Adv.
Mr. Riju Raj Singh, Adv.
for Mr. T.N. Singh, Adv.

Mr. Anil Kumar Tandale, adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. S.V. Deshpande, learned counsel for the appellants made his submissions for 20 minutes. After that, Mr. K. Ramamoorthy, learned Senior counsel for the respondents made his submissions for 10 minutes.

The appeals are disposed of in terms of the signed order.

Sarita(Shelly Sengupta)
Court Master

(Signed order is placed on the file)