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SLP(C)No. 8175 OF 2003
ITEM No.54

Court No. 9

SECTION XI

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.8175/2003

(From the judgement and order dated 05/12/2002 in CR 346/98
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PRADEEP KUMAR BAJAJ

Petitioner (s)

VERSUS

DILIP KUMAR BAJAJ

Respondent (s)

(With appln.(s) for exemption from filing O.T., permission to submit
addl. documents and prayer for interim relief)

With S.L.P. (C) No.8246 of 2003
(With prayer for interim relief)

Date : 08/09/2003 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner (s)Mr. R.F. Nariman,Sr.Adv.
Mr. Mahesh Agarwal,Adv.
Mr. Rishi Agrawal,Adv.
Mr. E.C. Agrawala,Adv.

For Respondent (s)Mr. Gopal Subramaniam,Sr.Adv.
Mr. Arvind Varma,Adv.
Ms. Suruchii Aggarwal,Adv.
Ms. Ritika Pal,Adv.

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

Heard learned counsel for the parties for few minutes.

Exemption allowed.

Permission to place additional documents on record is granted.

Leave granted.

The civil appeals are disposed of.

No costs.

[T.I. Rajput] [Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7110 OF 2003
(Arising out of S.L.P. (C) No. 8175 of 2003)

Pradeep Kumar Bajaj ...Appellant(s)

Versus

Dilip Kumar Bajaj ...Respondent(s)

W I T H

Civil Appeal NO. 7111 OF 2003
(Arising out of S.L.P. (C) No. 8246 of 2003)

O R D E R

Heard the learned senior counsel on either side.

Leave granted.

The learned senior counsel for the appellant contended that the observations made in the impugned judgement, while remanding Miscellaneous Case No.8 of 1998 to the learned District Judge, will prejudice the case of the appellant.

The learned senior counsel, on the other hand, submitted that the observations made by the learned District Judge in the afore-stated case, which was under challenge before the High Court, will prejudice the case of the respondent.

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In other words, both the learned senior counsel submitted that all the contentions of the parties must be left open to be urged before the learned District Judge, who shall decide the case on its own merits independently and without being influenced by the observations made by him in the order dated 9th July, 1998 or the observations made by the High Court in the impugned judgement.

The learned senior counsel for the respondent apprehended that the appellant may dispose of the properties in question during the pendency of the proceedings. The learned senior counsel for the appellant fairly submitted that the properties in question shall not be alienated by the appellant during the pendency of the proceedings.

In the light of these submissions, the civil appeals are disposed of in the following terms: The order of remand made by the High Court stands. However, the learned District Judge shall dispose of the afore-mentioned case, pending before him, uninfluenced by any observations made either in the order dated 9th July, 1998 or in the impugned judgement. All the contentions of the parties are left open to be urged before the learned District Judge.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
September 08, 2003.