

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).9650-9652/2013

(From the judgement and order dated 03/01/2013 in FAO (OS) Nos.366 to 368/2010 of the HIGH COURT OF DELHI AT NEW DELHI)

SIDDHARTH RAI

Petitioner(s)

VERSUS

MASTER ANANT NARAYAN RAI & ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment, exemption from filing O.T., permission to place addl. documents on record, prayer for interim relief and office report)

WITH SLP(C) NO. 24906 of 2013

(With appln. for exemption from filing c/c of the impugned judgment, permission to place addl. documents on record, prayer for interim relief and office report)

Date: 12/08/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.

Mr. S.C. Maheshwari, Adv.

Ms. Sandhya Goswami, Adv.

Mr. M.P.S. Tomar, Adv.

Mr. Jabbar Singh, Adv.

Mr. Sanjay Krishna, Adv.

Mr. H.C. Kharbanda, Adv.

For Respondent(s)

Ms. Pinky Anand, Sr. Adv.

Ms. Natasha Sahrawat, Adv.

Mr. Prabal Bagchi, Adv.

Mr. D.N. Goburdhan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Dr. Abhishek Manu Singhvi, learned senior advocate appearing for the petitioner, refers to page 19 and submits

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that, for the purpose of the present special leave petition, he is withdrawing the averments made in paragraph (L). He is permitted to do so.

Heard counsel on either side at length.

Dr. Singhvi submitted that in spite of the fact that the learned Single Judge (Division Bench) of the High Court by its order dated July 19, 2012 in FAO (OS) Nos. 366-368/2010 granted permission to the petitioner herein to move an application for deciding Issue Nos. 4 and 6 as preliminary issues, the Division Bench cannot by pass that direction, which, according to the counsel, is not legal.

Considering the fact that such a plea has already been raised by the petitioner herein in an application filed before the learned Single Judge, it would be appropriate to decide the said

application on merits as to whether those issues are to be taken up as preliminary issues.

We are informed by learned senior counsel appearing for the respondent that the application is posted for hearing on August 26, 2013. Let the learned Single Judge decide the same, in accordance with law.

We make it clear that the order of the Division Bench would not stand in deciding the said application.

Other prayers are not examined by us and the same can be examined by the appropriate court at the relevant time.

The special leave petitions are disposed of with the aforesaid observations.

SLP (C) No. 24906 of 2013

We find no ground to entertain the special leave petition. It is dismissed.

| (N.S.K. Kamesh)

| | (Renuka Sadana)

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| Court Master

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