

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(s). 646 OF 2000

BAGIRATH SINGH & ANR

Appellant (s)

VERSUS

STATE OF HARYANA & ORS

Respondent(s)

(With office report )

WITH Civil Appeal NO. 647 of 2000 (With office report)

W.P(C) NO. 413 of 2003 (With office report)

WITH IA No.2/2000:[Appln. For permission to file affidavit]

WITH IA No.3(For permission to file affidavit on behalf of appellants)

Date: 22/02/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Appellant(s) Mr.P.C. Jain, Sr.Adv.

Mrs. Kirti Sinha, Adv.

Ms. S. Janani,Adv.

Mrs. Kirti Sinha, Adv.

Mr. S.K. Verma, Adv.

For Respondent(s) Mr.Neerja Kumar Jain, Adv.

Mr. Bharat Singh, Adv.

Mr. Sanjay Singh, Adv.

Ms. Kavita Wadia, Adv.

Mr. S.P. Goyal, Sr. Adv.

Mrs. Amita Gupta, Adv.

Mr. Prashant, Adv.

Ms. Niranjana Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

When this matter was taken up for hearing, Shri S.P. Goyal, senior counsel appearing for

respondents 4 to 15 in CA No.646/2000 raised a preliminary objection to the effect that co-sharers of the

same khewat in question have earlier filed a suit on 17.6.1997 in respect of the same subject matter. The

aforesaid suit has been filed in a representative capacity. According to him, in view of the pendency of

the suit which is in respect of the same cause of action, a writ petition was not entertainable by the High

Court. Counsel for the aforesaid respondent is permitted to file an application stating his preliminary

objection in detail so that counsel appearing for the appellants may file an adequate reply thereto. The

said application shall be filed within a week from today and a copy thereof be served on counsel for the

appellants. The appellants may file their reply within two weeks thereof. The matter may be placed

before this Court thereafter so that this Court may consider the merit of the preliminary objection

raised on behalf of some of the respondents.

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