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SLP(C)No. 7316 OF 2001

ITEM No.54

Court No.10

SECTION IX
A/N MATTER

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.7316/2001

(From the judgement and order dated 02/02/2001 in SA 547/93
of The HIGH COURT OF BOMBAY)

CHANKRAKANT NARAYAN ZATYE

Petitioner (s)

VERSUS

SHYAMSUNDER RAGHUNATH PATIL

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing c/c of the impugned Judgment)
(With Office Report)

Date : 07/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s)

Mr. A.S. Bhasme, Adv.

For Respondent (s)

Mr. Nikhil Sakhardande, Adv.
Ms. Ruby Singh Ahuja, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is disposed of in terms of the
signed order.

.SP1

(K.K. Chawla)
Court Master

(D.D. Jindal)
Assistant Registrar

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2002
(ARISING OUT OF SLP (C) NO.7316 OF 2001)

CHANKRAKANT NARAYAN ZATYE

.. APPELLANT

VERSUS

SHYAMSUNDER RAGHUNATH PATIL

.. RESPONDENT

O R D E R@@
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.SP2

Leave granted.

In view of the factum of non-framing of any substantial question of law, we are unable to record our concurrence with the views expressed by the High Court. As such, the order under challenge cannot be sustained and thus stands set aside. The matter, however, is remanded back to the High Court for being dealt with appropriately. Incidentally, be it recorded that no third party rights should be created as regards the premises in question. The High Court would do well in disposing of the matter expeditiously and liberty is given to the parties to move the High Court for such expedition.

The appeal is disposed of accordingly.

.SP1

.....J.
(U.C. Banerjee)

New Delhi,
January 07, 2002.

.....J.
(Y.K. Sabharwal)