

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).7323/2005  
(From the judgement and order dated 23/02/2005 in CMWP No. 53530/2004 of The  
HIGH COURT OF JUDICATURE AT ALLAHABAD)

S.V.P. BUILDERS (INDIA) LTD.  
oner(s)

Petiti

VERSUS

M/S. DELHI AUTO & GENERAL FIN.(P)LTD&ANR

Respondent(s)

(With prayer for interim relief )

Date: 06/05/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s) Mr. Harish N. Salve, Sr. Adv.  
Mr. L. Nageshwar Rao, Sr. Adv.  
Mr. Kavin Gulati, Ms. Meenakshi Grover,  
Ms. Ruby Singh Ahuja, Ms. Rashmi Singh, Advs.

For Respondent(s) Mr. Rakesh Dwivedi, Sr. Adv.  
Ms. Reena Jain Malhotra, Ms. Sadhana Sandhu,  
Ms. Hemantika Wahi, Advs.

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

Leave granted.

Appeal is disposed of in terms of the signed order.

(Parveen Kr. Chawla)  
Court Master

(Kanwal Singh)  
Court Master

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3159 OF 2005  
(Arising out of SLP(C) No.7323 of 2005)

S.V.P. Builders (India) Limited

Appellant (s)

Versus

M/s Delhi Auto & General Fin. (P) Ltd.  
& Another

Respondent (s)

O R D E R

Leave granted.

There is a dispute regarding the jurisdiction of the Civil Court in District Ghaziabad, U.P. to try the suit. Counsel for the parties have agreed that the file of Injunction Suit No.423 of 2004 pending in the Court of Civil Judge, Junior Division, at Ghaziabad be transferred to a court of competent jurisdiction in District Gautam Budh Nagar.

Accordingly, Injunction Suit No. 423 of 2004 pending in the Court of Civil Judge, Junior Division, at Ghaziabad is ordered to be transferred to the District Judge, Gautam Budh Nagar. The District Judge, Ghaziabad is directed to transmit the entire record of Injunction Suit No. 423 of 2004 to the District Judge, Gautam Budh Nagar, who on receipt of the same would assign the case to a court of competent jurisdiction. We also direct that till the matter comes up for hearing before the court of competent jurisdiction at Gautam Budh Nagar, the respondents would not alienate or encumber the suit property in any way. However, the Court before which the matter comes up for hearing at Gautam Budh Nagar would be at liberty to pass a fresh order on the stay application in

accordance with law without being influenced by any of the observations  
made in this order or by the High Court. Respondents would be at liberty  
to file a fresh written statement before the Court at Gautam Budh Nagar.

The appeal is disposed of in the above terms.

.J. ....  
(ASHOK BHAN)

New Delhi;  
.J. ....  
May 06, 2005. (DR.AR.LAKSHMANAN)