

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).5426/2006

(From the judgement and order dated 08/12/2005 in Appeal No.1145 of 1996 in Notice of Motion No.5

of 1996 in suit No.4476 of 1995 of The HIGH COURT OF BOMBAY)

LOKHANDWALA ESTATES & DEV. CO.LTD.&ANR.

Petitioner(s)

VERSUS

GOREGAON SIDDHARTH NAGAR S.G.N.S. LTD.

Respondent(s)

(with appln(s) for bringing on record additional documents and permission to file Vol-II and with

prayer for interim relief)

Date: 10/04/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s) Mr. Ashok H. Desari, Sr. Adv.

Mr. D.A. Dave, Sr. Adv.

Mr. S.A. Zaveri, Adv.

Ms. Indu Malhotra, Adv.

Mr. Vikram Mehta, Adv.

Mr. Arjun Suresh, Adv.

For Respondent(s) Mr. R.F. Nariman, Sr. Adv.

Mr. Y.R. Naik, Adv.

Mr. Rakesh K. Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

Since this Petition is directed against an interlocutory order refusing to grant injunction, we do not think it to be a fit case to exercise our discretion under Article 136 of the Constitution. Hence, the Special Leave Petition is dismissed. Although it was sought to be argued by Mr. Desai before us that a development contract in which property rights have been given in favour of the developer can be specifically enforced, we have not gone into that question. We have left all legal issues open to be decided at the appropriate stage.

(K.K. Chawla)

(Radha R. Bhati

a)

Court Master

Court Master

r