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SLP(C)No. 8226 OF 2001

ITEM No.16

Court No. 5

SECTION XI

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.8226/2001
(From the judgement and order dated 21/03/2001 in FA 3/01
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NARESH KUMAR GARG & ORS.

Petitioner (s)

VERSUS

GHAZIABAD DEVELOPMENT AUTHORITY & ANR.
(With prayer for interim relief)
(With Appln(s). for exemption from filing O.T.)

Respondent (s)

Date : 13/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. SC Aggarwal, Sr.Adv.
Mr. Ejaz Maqbool, Adv.
Mr. Ujjwal K. Jha, Adv.
For M/s. Maqbool Mishra & Co.,Adv.

For Respondent (s)

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

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Learned senior counsel for the petitioners apprehend that their stand that appeal is not maintainable cannot now be raised again because of the preliminary finding of the High Court that the appeal cannot be thrown out over board as pleaded by them. We do not think that what is now mentioned in the impugned order will stand in the way of the petitioners to raise the contentions at the final stage of argument. In view of this we are inclined to entertain this SLP. It is accordingly dismissed.

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Hemalatha

(HK Bhatia)
Court Master