

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.5050-5051/1997

GAUTAM NAGAR RESIDENTS ASSOCIATION Appellant

Versus

KARMIKA & ORS. Respondents

(WITH Office Report)

WITH C.A.NO.5052/1997 (With Office Report)

Date. 22.11.2000 This/These Petition(s) was/were called on
for hearing today.

CORAM:

HON'BLE MR.JUSTICE U.C. BANERJEE
HON'BLE MR.JUSTICE K.G. BALAKRISHNAN

For the Appellant(s)
In CAs 5050-5051/97: Mr.K.K. Venugopal, Sr.Adv.,
and for rr in Mr.S.K. Verma, Adv.
connected matter:

in CA 5052/1997 and Ms.Amita Gupta, Adv.,
for rr MCD in main Mr.Ranbir Singh Yadav, Adv.
matter.

For the Respondent(s)
Mr.Raju Ramachandran, Sr.Adv.,
Mr.Pramod Dayal, Mr.Piyush Sharma,
Mr.R.Anand Padmanabhan, Adv.

Mr.Ranjit Kumar, Sr.Adv.,
Mr.R. Anand Padmanabhan, Adv.,
Mr.Pramod Dayal, Adv.

Mr.K.N. Rawal, ASG
Mr.V.B. Saharya, Adv.for
M/s.Saharya & Co.

UPON hearing counsel the Court made the following

O R D E R

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

CAs 5050-5051/1997. The appeals are disposed of in@@
CCCCCCCCCCCCCCCCCCCC
terms of the directions contained in the signed order.
CA 5052/1997. In view of the order passed in Civio@@
CCCCCCCCCCCCCCCC
Appeal NO.5050-5051/1997 no separate order is necessary.
This appeal is also disposed of on the same terms.

.SP1

(Vijay Kumar Sharma) (S.Krishnan)
Court Master Court Master

Common Signed order is placed on the file.

.PA

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5050-5051 OF 1997@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

GAUTAM NAGAR RESIDENTS ASSOCIATION Appellant

Versus

KARMIKA & ORS. Respondents

WITH CA NO.5052/1997

O R D E R@@
CCCCCCCC

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

Civil Appeal Nos.5050-5051/1997.@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

The residents-association is in appeal against an interlocutory order of grant of injunction. This Court however upon consideration of the facts on 21.7.1997 was pleased to grant leave and pass an interim order of maintenance of status quo with a further specific order restraining the respondents from making any construction therein. The land in question, according to Mr.Venugopal, the learned senior counsel appearing in support of the appeals is a 'childrens' playground' and has been described in the municipal record as a 'park'. The respondents herein however described the same as the part of the park and not a park itself and contended though as a matter of fact, it was shown in the Master ..2

: -2: -

Plan as a shopping centre for the locality. Be that as it may, we do not think it appropriate to go into the issue at this stage, more so, when two suits are pending between parties before the learned Senior Sub Judge, Delhi.

In the normal course of event this Court would not have entertained the appeal by reason of the same being against an interlocutory order but having regard to the importance of the issue, more so, an effort of having construction within an open and encircled area, this Court has passed the order of status quo and admitted the appeals.

Without however dilating on to the merits of the matter in view of the pendency of the suits, we deem it fit and expedient to dispose of the appeals with a direction to the learned trial Judge to dispose of the matters within a period of nine months from the date of the communication of this order. In the event one of the suits is pending before the learned Additional District Judge, the learned Additional District Judge will do well in clubbing up the suits pending before the another Judicial Officer and dispose of the same upon such

clubbing within the time frame as mentioned above.

..3

:-3:-

Let it be recorded that we have not gone into any of the issues and it would be open to the court to deal with the matter as it may deem fit and proper in accordance with law. The parties are, however, directed to render all possible assistance and cooperation in the matter of the expeditious disposal of the suits in terms of this order. The learned Judge is also directed not to grant adjournment of the matter unless the same is of indispensable necessity.

Interim order passed by this Court shall remain in operation till the disposal of both the suits. The appeals are disposed of accordingly.

CA No.5052/1997. In view of the order passed in@@
CCCCCCCCCCCCCCCCCC

Civil Appeal Nos.5050-5051/1997 no separate order is necessary. This appeal is also disposed of on the same terms.

.SP1

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

.....J.
(K.G. Balakrishnan)

New Delhi,
November 22,2000.