

ITEM NO.1

COURT NO.7

SECTION XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A.NO.2 IN SLP(C) NO.874 OF 2006

SUSHITAL DHAR AND ANR.

Petitioner(s)

VERSUS

PANNALAL GHOSH AND ORS.

Respondent(s)

(for revocation of notice and appropriate orders/Directions and
office report)

WITH I.A.NO.2 IN

SLP(C)No.2399 of 2006

(for revocation of notice and appropriate orders/Directions and
office report)

Date: 20/03/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. K.V.Mohan,Adv.

Mr. Bijan Kumar Ghosh, Adv.

For Respondent(s)

Mr. Bijan Kumar Ghosh,Adv.

Mr. Dipankar Burman, Adv.

Mr. S.K. Poddar, Adv.

Mr. Jaideep Gupta, Sr.Adv.

Mr. K.V.Mohan, Adv.

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Mr. K.V. Balakrishnan, Adv.

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UPON hearing counsel the Court made the following
ORDER

I.A.2

This interlocutory application in SLP(C)No.2399 of 2006, has been filed praying for an order to revoke or cancel the notice, which was issued on special leave petition on 23/01/2006, and consequently, also the order of stay of Execution proceedings passed on 17th April, 2006, both in SLP(C)No.2399 of 2006 and SLP(C) No.874 of 2006. A further prayer has also been made for a direction upon the petitioners to furnish particulars of any alienation/transfer or creation of any third party rights in the suit lands after 23rd January, 2006.

Having heard learned counsel for the respective parties, we are not inclined to grant the relief, as prayed for by

the applicant/plaintiff in the suit. However, we are also of the view that taking advantage of the stay granted, the petitioners before us, should not also be allowed to deal with the suit properties in such a manner as to create third party rights therein, pending the hearing of the special leave petitions.

In that view of the matter, we dispose of

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this I.A. by injuncting the petitioners in both the special leave petitions from dealing with or disposing of or by encumbering the suit properties in any way, till the disposal of the special leave petitions before us. Any transfer, if made earlier, during the pendency of these proceedings in this Court shall naturally be subject to the final outcome of the two special leave petitions.

As far as the second prayer is concerned, in the event, any transfer have been effected by the petitioners after 23rd January, 2006, a list of such transfers shall be disclosed by the petitioners within four weeks from date.

Time for filing counter affidavits in the special leave petitions is extended by a period of four weeks; rejoinder, if any, thereto, may be filed within two weeks thereafter.

Let this matter, along with the other matters, in terms of the order dated 9th April, 2007, being Special Leave Petitions(C) Nos. 6390, 19977-19978, 7141, 7144, 7147, 7149, 7150 and 7152 of 2007, be listed thereafter.

(Sheetal Dhingra)
Court Master

(Juginder Kaur)
Court Master