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SLP(C)No. 7622 OF 2003
ITEM No.212 Court No. 3

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.7622/2003

(From the judgement and order dated 21/02/2003 in SCA 9291/02
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

BHAGWANBHAI KARMANBHAI BHARVAD

Petitioner (s)

VERSUS

AROGYANAGAR COOP.HOUSING SOC. LTD. & ORS
(With prayer for interim relief)

Respondent (s)

WITH Cont.P.(C) 232/2003

& SLP(C).../2003 WITH IA 1 (c/delay in filing SLP & c/delay in refiling SLP & office report
) CC 9619/2003

Date : 16/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. PH Parekh, Adv.
Mr. ER Kumar, Adv.
Ms. Jina Mallick, Adv.
Mr.Aspi Kapadia, Adv. for
M/s PH Parekh & Co., Advs.

For Petnr. In MS. Anusuya Salwan, Adv. for
SLP(C)...(9619/2003)Ms. S Janani, Adv.
& for Res.No.2 to 7
in SLP(C) 7622/03

For Respondent (s)Mr. P Chidambaram, Sr. Adv.
Mr. A P Mayee, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned in SLP(C) No.9619/2003.

Leave granted in SLP(C) Nos.7622/2003 & 322/2004.

Contempt petition is closed and the appeals are disposed of in terms of the signed order. No
costs.

(D.L.Chugh) (Vijay Aggarwal)
Court Master Court Master
signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.321 OF 2004
(Arising out of SLP(C) No.7622 of 2003)

BHAGWANBHAI KARMANBHAI BHARVADAppellant(s)

versus

AROGYANAGAR COOP. HOUSING SOC. LTD. & ORS.

Respondent(s)

WITH

CONTEMPT PETITION (C) 232 OF 2993
IN
SPECIAL LEAVE PETITION (C) NO.7622 OF 2003
AND

CIVIL APPEAL NO.322 OF 2004
(Arising out of SLP(C) NO.1396 of 2003)
(@ CC No.9609 of 2003

O R D E R

Heard the learned counsel for the parties.

Leave granted in SLP(C) Nos.7622/2003 and 322/2004.

Considering the rival submissions made by the parties, the respective stands taken, the nature of dispute involved and the stage of the proceedings, we feel it would be appropriate if the Regular Civil Suit No.5139 of 1999 and connected suits stated to be pending are disposed of finally as early as possible, preferably within a period of four months from date of the receipt of copy of this order. Till the disposal of the suit (being Regular Civil Suit No.513 of 1999) and the connected suits, the order of status quo passed by this Court on 6.5.2003 shall continue. By making this direction it shall not be construed that we have expressed any opinion on the merits of the case. The suits shall be disposed of on their own merits on the basis of materials to be produced before the concerned court, after giving the parties opportunity of being heard, and uninfluenced by any of the observations that have been made in the order under challenge before this Court. If there is any breach of the order of status quo granted by this Court as alleged, it shall be open to the trial court to deal with the same in accordance with law after hearing the parties.

In view of this order contempt petition is closed and the appeals are disposed of. No costs

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)

New Delhi,
JANUARY 16, 2004