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SLP(C)No. 9130-9131 OF 2000

ITEM No.30

Court No. 6

SECTION IX  
A/N MATTER

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.9130-9131/2000

(From the judgement and order dated 18/12/1998 & 5/5/2000 in CA  
3372/98 and CA 11388/98 of The HIGH COURT OF BOMBAY)

TAYABBHAI M. BAGSARWALLA & ANR.

Petitioner (s)

VERSUS

WEST COAST ADHESIVES & ORS.

Respondent (s)

( With Appln(s). for c/delay in filing SLP and  
permission to submit additional document(s) )  
( With prayer for interim relief )

Date : 27/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. Gopal Subramaniam, Sr.Adv.  
Mr. Nikhil Sakhardande, Adv.  
Mrs. Nandini Gore,Adv.

For Respondent (s) Mr. DN Mishra, Adv.  
for M/s J.B. Dadachanji & Co.

Mr. Vijay Hansaria, Adv.  
Mr. Sunil K. Jain, Adv.  
for M/s. Jain Hansaria & Co.

Mr. H.K. Puri,Adv.  
Mr. S.K. Puri, Adv.  
Mr. Ujjwal Banerjee, Adv.  
Mr. Rajesh Srivastava, Adv.  
Mr. Harpreet Singh Sandhu, Adv.

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

.....L.....I.....T.....T.....T.....T.....J  
Delay condoned.

It is not disputed that the Receiver had  
taken possession of the property in pursuance to  
the order passed by the High Court. Now the  
Court has directed the Receiver to give back the

...2/-

possession to the respondent-applicants. We do not find any illegality in the said order. Shri Gopal Subramaniam, learned senior counsel for the petitioner, urged that in fact the property includes the unauthorised construction made by the respondent-applicants and, therefore, the Receiver may be directed to remove such construction before handing over the property. We do not think that it would be appropriate for us to pass any such order, since it is open to the petitioner to take proceeding for removal of such construction before the appropriate authority or forum. We may also make it clear that any finding recorded by the High Court shall not come in the way of the Court deciding the petitioners application or petition.

With these observations, we dispose of this special leave petition.

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(Alka Dudeja)  
Court Master

(S. Krishnan)  
Court Master