

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.9367/2001

(From the judgement and order dated 24/04/2001 in OSA 202/88
of The HIGH COURT OF MADRAS)

H.P.A. INTERNATIONAL

Petitioner (s)

VERSUS

BHAGWANDAS FATECHAND DASWANI & ORS.

Respondent (s)

(With prayer for interim relief & office report)
(With Appln(s). for taking additional document on record)

Date : 27/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr.K.Parasaran, Sr.Adv.
Mr. V. Balachandran, Adv.

For Respondent (s) Mr.Soli J.Sorabjee, A.G.
Mr.S.Ganesh, Sr.Adv.
Mr. P.H. Parekh, Adv.
M/s Amit Dhingra, Joyesh Dolia,
Shakim Sharma, Advs.

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

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.SP2

Having heard Mr.K.Parasaran, learned senior
counsel for the petitioner and Mr.Soli J.Sorabjee,
learned Attorney General for the respondents, we grant
leave to appeal in the S.L.P.

On May 21, 2001, this Court passed the following
interim order:-

.SP1

"....Mr.PH Parekh, advocate, accepts
notice on behalf of the respondents and
states that pursuant to the impugned order
no steps for dispossession of the petitioner
shall be taken pending further orders of
this Court.

However, there shall be stay of
cancellation of the registration, until
further orders..."

.SP2

Having heard the learned counsel for the parties
we modify the interim order as follows:-

(1) We are not inclined to grant stay of the judgment under challenge in so far as it relates to the money decree against the appellant in a sum of Rs.48.35 lacs. We direct the appellant to deposit the said amount within a period of two months from today.

(2) The judgment under challenge in regard to possession of the property in dispute is stayed subject to the following conditions:-

(a) The basement of the property in dispute which was earlier occupied by M/s Raymonds, is stated to be now vacant. We direct that the possession of the same be handed over to the respondents within two weeks from today.

(b) The remaining part of the property would remain in the possession of the appellant on depositing every month Rs.1.92 lacs which represents the amount of rent which is being collected by it. However, the appellant is permitted to adjust amounts expended by it as taxes etc. which it would be entitled to deduct from the amounts of rent collected by it each month. The appellant shall submit account of the rent received and the amounts spent in connection with the taxes etc. of the suit property in January and July of every year.

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(3) On the amount being so deposited, the respondents will be at liberty to withdraw the same without furnishing any security. It goes without saying that in the event of the appellant succeeding in the appeal, the respondents shall be liable to pay back the total amount withdrawn by the respondents during the pendency of the appeal, to the appellant.

Liberty to mention for expediting hearing of the appeal is granted.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master