

SECTION XIV

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

RECORD OF PROCEEDINGS

Review Petition (Civil) No.570 of 2006 in Civil Appeal No.6183 of 2002

Raghunandan Saran Ashok Saran (HUF)
Petitioner (s)

VERSUS

Shri Vishwant Kumar and Ors.
Respondent (s)

Date : 11/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s): In-person

For Respondent(s): Mr. Pradeep Dewan,Adv.

Mr. P.B. Agarwala,Adv.

Mr. Ajay Pal Singh,Adv.

Ms. Anupam Dhingra,Adv.

Ms. Praveena Gautam,Adv.

Mr. Harish Chandra,Sr.Adv.

Mr. Ravinder Agarwal,Adv.

Mr. B.V. Balaram Das,Adv.

Mr. S. Prasad,Adv.

UPON perusing the papers, the Court made the following

O R D E R

learned Heard the petitioner, who is appearing in-person and
counsel for the respondents.

ted 22nd March, The review petition is allowed and order da
2006 is recalled.

ble. It Let the appeal be now placed for hearing as soon as possi
ts is clarified that in view of the fact that the appeal has been restored to i
ther interim original file, the order dated 23rd September, 2002, and o
lly revived. orders, if any, passed in the said appeal stand automatica

[Alka Dudeja]
[Om Prakash]

Master Court Master Court

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (C) NO.570 OF 2006

IN

CIVIL APPEAL NO.6183 OF 2002

Raghunandan Saran Ashok Saran (HUF) ...Petitioner(s)

Versus

Shri Vishwant Kumar and Ors

...Respondent

(s)

O R D E R

Heard the petitioner, who is appearing in-person and learned counsel for the respondents.

The present petition has been filed for recall of order dated March 22, 2006, whereby appeal was disposed of by this Court observing that the same had become infructuous, in view of the fact that the tenant had already vacated the premises in question. We find from the records that on 16th August, 2005, when the appeal was pending, a Three Judge Bench of this Court ordered, that as the question arising for decision in this appeal was likely to affect a large number of cases pending in Delhi Courts, the appeal itself be listed for hearing in the first part of year 2006. Further it appears that

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on 23rd September, 2002, an order was passed by this Court stalling hearing in a number of pending appeals.

These orders were not pointed out to us at the time of disposal

of the appeal. Instead of disposing of the appeal as the same had become infructuous, we should have heard the appeal and decided the question of law, which would affect large number of cases pending in different Courts.

In view of this, we allow the review petition and recall our order dated 22nd March, 2006.

Let the appeal be now placed for hearing as soon as possible. It is clarified that in view of the fact that the appeal has been restored to its original file, the order dated 23rd September, 2002, and other interim orders, if any, passed in the said appeal stand automatically revived.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,
September 11, 2006.