

ITEM NO.5

COURT NO.3

SECTION IX

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

Petition for Special Leave to Appeal (Civil) Nos.25494-25496/2008

(From the judgement and order dated 22/07/2008 in SA No.132/1999, SA No.134/1999 and SA No.136/1999 and order dated 23/07/2008 in SA No.132/1999, SA No.134/1999 and SA No.136/1999 of the HIGH COURT OF BOMBAY AT NAGPUR)

DATTATRAYA &amp; ORS.

Petitioner(s)

VERSUS

DILIP &amp; ORS.ETC.

Respondent(s)

(With prayer for interim relief and office report)

WITH

T.P.(C) NO. 402 of 2009

(With appln(s) for substitution, setting aside an abatement, c/delay in filing substitution appln., c/delay in substitution of L.Rs. of the deceased respondent, permission and office report)

Date:27/01/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)      Mr. M.N.Krishnamani, Sr.Adv.  
   Dr. Monika Gusain, Adv.  
   Mr. Hariom Yaduvanshi, Adv.

For Respondent(s)      Mr.      V.C. Daga, Sr.Adv.  
   Mr.      Ashok P.Tathod, Adv.  
   Mr.      Tushar V. Tathod, Adv.  
   Mr.      Satyajit A. Deasi, Adv.  
   Mr.      Somnath Padhan, Adv.  
   Ms.      Anagha S.Desai, Adv.

Mr. A.K. Sanghi, Sr.Adv.

Ms. Anagha S.Desai, Adv.

SLP(C) Nos.25494-25496/2008

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UPON hearing counsel the Court made the following

O R D E R

We have heard the learned counsel for the parties.

We are not inclined to interfere with the impugned judgment. However, in the facts and circumstances of this case, we deem it appropriate to request the First Appellate Court to decide the matter as expeditiously as possible, in any event, within three months from the date of communication of this order. The First Appellate Court would decide the matter afresh in accordance with law,

without being influenced by any observation made by the High Court.

With these observations, the special leave petitions and the transfer petition are disposed of.

(A.S. BISHT)  
COURT MASTER

(INDU SATIJA)  
COURT MASTER