

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.9331/2003
(From the judgement and order dated 21/03/2003 in CR 674/02
of The HIGH COURT OF DELHI AT N. DELHI)

BHAGWATI PRASADH SHARMA

Petitioner (s)

VERSUS

RAM SWAROOP SHARMA (D) BY LRS.
(With prayer for interim relief)

Respondent (s)

Date : 08/07/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Shekhar Prit Jha,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Heard.

We do not find any merit in this Special leave petition, which is accordingly dismissed. However, we may observe that as the Civil Revision Application was not maintainable, the High Court ought not to have gone into its merits. It may be further observed that it will be open to the petitioner to challenge correctness of the impugned order passed by Trial Court in appeal, if any taken by any of the parties against the decree which will be passed upon the conclusion of trial and if it is so done, the appellate Court shall pass order thereon without being prejudiced by any observation in the impugned order. It is clarified that in case the respondents feel aggrieved by this order it would be open to them to move this Court for its recall.

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master