

ITEM NO.5

COURT NO.8

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(s) for Special Leave to Appeal (Civil) No(s).10317/2005

(From the judgement and order dated 11/04/2005 in FA No. 467/1998 of The HIGH COURT OF BOMBAY)

RAJESH SINGH G. SINGH & ORS.

Petitioner(s)

VERSUS

SUNDERBAI G. PATKAR & ORS.

Respondent(s)

(With appln.(s) for restoration of possession ad prayer for interim relief)

Date: 28/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. L.B. Rai, Adv.

Mr. Shankar Divate, Adv.

For Respondent(s)

Mr. Nitin Shukla, Adv.

Mr. A.S. Bhasme, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

We see no reason to interfere. The special leave petition is dismissed.

Despite this Court dictated the order, counsel for the petitioners, insisted of making

that he further arguments against the repeated caution to the counsel would be

arguing against the risk of imposing costs.

This case illustrates a classic example as to how the cantankerous litigants pursue the merit less case to defeat the ends of justice. The original plaintiff's suit was decreed on 16.11.1977 against defendant nos. 1 to 4. The original defendants (father of the present petitioners) challenged the decree, which was dismissed on 3.4.1991. LPA was dismissed by D.B. On 4.9.1991. The objections now are being raised by the present petitioners who are the sons of original judgment debtor. In the facts and circumstances recited above, the High Court held that the case of the petitioners is false and bogus. The High Court also dismissed the petition

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with compensatory costs of Rs.10,000/- against which the present special leave petition.

Keeping in view the conduct of the petitioners pursuing the frivolous and merit less case persistently by abusing the process of law, this case deserves to be dismissed with exemplary costs. It is, accordingly, dismissed with costs of Rs.25,000/- to be deposited with the Supreme Court Advocates' Welfare Fund within four weeks from today.

(PAWAN KUMAR)

(RADHA R. BHATIA)

