

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)...../2006

(CC 3375/2006)

(From the judgement and order dated 18/10/2005 in CR No. 29/2004

of The HIGH COURT OF UTTARANCHAL AT NAINITAL)

WASIM JAHAN AND ANR.

Petitioner(s)

VERSUS

IRTIZA HUSSAIN AND ORS.

Respondent(s)

With IA 1(C/delay in filing SLP)

Date: 01/05/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Shakil Ahmed Syed,Adv.

Mr. Anil Kr. Srivastava, Adv.

Mr. W.A. Khan, Adv.

Mr. Firasat Ali Siddique, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

though the High Court has observed that the Counsel for the petitioners states that

dispute with regard to title may be raised in a title suit, certain observations have been made which

may prejudice the case of the petitioners in case su

ch a suit is filed. We are of the view that the

apprehension is ill founded because those observations have been made in the context of an application

under Order 1 Rule 10 CPC and will not touch the merits of the suit to be filed or pending because

such suits are to be tried on the basis of the evidence on record.

Delay condoned.

The special leave petition is dismissed.

(Ajay Kr. Jain)

(Vijay Dhawan)

Court Master

Court Master