

ITEM NO.33

COURT NO.2

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 28362/2011

(Arising out of impugned final judgment and order dated 27/08/2010
in WP No. 45428/1999 passed by the High Court Of Judicature at
Allahabad)

PRAKASH SAINI

Petitioner(s)

VERSUS

PADAM CHANDRA JAIN & ORS.

Respondent(s)

(with office report)

Date : 20/03/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Naresh Bakshi, Adv.

For Respondent(s) Mr. Jitendra Mohan Sharma, Sr. Adv.
Mr. Ajit Sharma, Adv.
Mr. Akshat Singh, Adv.
Mr. Sameer Singh, Adv.

Mr. Pahlad Singh Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

One of the defences which the petitioner
appears to be setting up against his proposed eviction
is that the respondents have constructed a large
market in which several shops were available but instead

of the respondents using those shops they have either sold them to third parties or let them out on lease basis. Learned counsel for the respondents has filed a counter affidavit which does not specifically deal with this aspect. He seeks time to file an additional affidavit stating whether any market was constructed, the total number of shops constructed in the said market and the use to which such shops have been put. In particular the affidavit would indicate as to whether any shop out of the newly constructed market was sold and, if so, at what consideration and also whether any shop has been let out to third party and, if so, at what rent. Availability of any shop in the market or constructed by the respondents shall also be indicated by the respondents. Needful shall be done within six weeks.

Rejoinder affidavit to the affidavit shall be filed within four weeks thereafter.

Post after ten weeks.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master