

ITEM NO.33

COURT NO.2

SECTION XI

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

I N D I A

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

Signature Not Verified appears to be setting up against his proposed eviction

Digitally signed by

Shashi Sareen

Date: 2015.03.23

10:57:26 IST

Reason:

is that the respondents have constructed a large
market in which several shops were available but instead

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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