

ITEM NO.34

COURT NO.2

SECTION II

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 (Crl.) No(s). 4239/2014

(Arising out of impugned final judgment and order dated 28/11/2013 in CRLR No. 3616/2011 passed by the High Court Of Judicature at Allahabad)

SAROJINI TYAGI

Petitioner(s)

VERSUS

STATE OF U.P & ANR

Respondent(s)

(with appln. (s) for c/delay in filing counter affidavit and exemption from filing O.T. and permission to file additional documents and office report)

Date : 12/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Sunder Khatri, Adv.
Mr. D.K. Tyagi, Adv.
Mr. Ajay Singh, Adv.
Dr. Sushil Balwada, Adv.

For Respondent(s) Mr. Irshad Ahmad, Adv.
Mr. Abhishth Kumar, Adv.
Mr. Sudeep Kumar, Adv.

Mrs Rani Chhabra, Adv.
Ms. Priyanka Sony, Adv.

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

After arguing the matter for sometime, Mr. Sunder Khatri, learned counsel for the petitioner, who happens to be the mother-in-law of respondent No. 2,

seeks leave to withdraw this petition with liberty to the petitioner to seek appropriate relief in appropriate civil action for declaration of her title to the property in question. Learned counsel submits that this Court could make it clear that observations made by the courts below in the orders impugned should not prejudice the adjudication of any such civil action or the rights claimed by the petitioner. He further submits that the respondent has posted a private security guard on the property in question which is creating a nuisance for her and could therefore be directed to be withdrawn.

Ms. Rani Chhabra, learned counsel for respondent No. 2 submits that she has no objection to withdrawal of the security guard posted by her in the premises in question. She further states that respondent No. 2 is actually staying in the premises in question and the allegation that it is only the security guard who is posted in the premises is not factually correct.

In the circumstances, we allow the petitioner to withdraw the special leave petition with liberty to file a suit as proposed. We make it clear that if any such suit is filed, observations made by the courts below in the orders impugned shall not prejudice the rights of the

parties. As agreed to by respondent No. 2, the security guard posted on the property shall be withdrawn from the premises in question within two weeks from today.

With the above observations, special leave petition is dismissed as withdrawn.

(VEENA KHERA)
COURT MASTER

(PARDEEP KUMAR)
AR-cum-PS