

ITEM NO.42

COURT NO.4

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). 6656/2022

(Arising out of impugned final judgment and order dated 10-01-2022 in CR No. 102/2019 passed by the High Court Of Judicature At Allahabad, Lucknow Bench)

ANIL KUMAR SINGH

Petitioner(s)

VERSUS

PAPPU & ORS.

Respondent(s)

(FOR ADMISSION and IA No.54272/2022-EXEMPTION FROM FILING O.T.)

WITH

Diary No(s). 23257/2022 (XI)

(.IA No.105140/2022-CONDONATION OF DELAY IN FILING and IA No.105143/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 30-01-2023 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties:

Mr. Siddharth Dave, Sr. Adv.
Mr. K. K. Mohan, AOR
Mr. Ashish Chaturvedi, Adv.

Mr. Ravindra Shrivastava, Sr. Adv.
Mr. Anshuman Shrivastava, Adv.
Mr. Navin Prakash, AOR
Mr. Abhijeet Shrivastava, Adv.
Mr. Abhishek Sharma, Adv.
Ms. Sanya Shukla, Adv.
Ms. Devangna Singh, Adv.

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

SLP (C) No. 6656/2022:

This Court passed the following order on 10.08.2022.

"Shri Siddhartha Dave, learned Senior Advocate, appearing for the petitioner has stated at the Bar that the petitioner is ready to file an affidavit stating that even if the decree for specific performance is passed in favour of his

client/original plaintiff and against the original defendant Nos. 1 and 2, original plaintiff shall not seek any relief in the execution proceedings against the defendant Nos. 3 & 4 - subsequent purchasers as the petitioner is opposing impleadment of original defendant Nos. 3 & 4 and as they are not heard in the suit as not party to the suit and therefore the decree shall not bind them either individually or in view of Section 19(b) of the Specific Relief Act and that no relief including the interim relief/injunction in the present suit shall be asked against the defendant Nos. 3 & 4.

Let the petitioner file the appropriate affidavit.

Put up on 25.08.2022."

Despite the above and even thereafter also, twice or thrice, the matter was adjourned, no such undertaking/affidavit as per the order dated 10.08.2022 has been filed.

In that view of the matter, the Special Leave Petition stands dismissed.

Pending application stands disposed of.

SLP (C) Diary No. 23257/2022:

Delay condoned.

Insofar the present Special Leave Petition is concerned, the same being counter blast to the earlier Special Leave Petition, the same also stands dismissed.

Pending application stands disposed of.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
COURT MASTER (NSH)