

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 10598/2018

(Arising out of impugned final judgment and order dated 08-12-2017 in SBCMA No. 2689/2016 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

SOHANRAJ

Petitioner(s)

VERSUS

SAMPATRAJ

Respondent(s)

(FOR ADMISSION and I.R. and IA No.46676/2018-CONDONATION OF DELAY IN FILING and IA No.46677/2018-EXEMPTION FROM FILING O.T.)

Date : 09-04-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Dr. Manish Singhvi, Adv.
Mr. Satyendra Kumar, Adv.
Mr. Omprakash Ajitsingh Parihar, AOR

For Respondent(s)

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

Delay condoned.

The petitioner was proceeded against under Order XXXIX Rule 2-A C.P.C. for violation of an interim order to maintain status quo, while the main case was pending between the parties. The allegation is that he sold the property when the interim order was operating.

The Trial Court after rendering a finding on the violation, passed an order to put the petitioner under civil prison for ten days or, in the alternative, to deposit the entire sale proceeds before the Trial Court.

Dr. Manish Singhvi, learned counsel appearing for the petitioner, points out and it has been noted by the High Court also that the sale proceeds have been deposited in the Trial Court.

We make it clear that the deposit will continue until the suit is disposed of. Since the sale proceeds are deposited in Court, there is no question of the petitioner being put in civil prison and to that extent the order does not survive.

With the above observations and directions, the special leave petition is disposed of.

Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR