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SLP(C)No. 10911 OF 2000
ITEM No.37

Court No. 6

SECTION IX
A/N MATTER

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 (Civil) No.10911/2000

(From the judgement and order dated 20/06/2000 in CA 2990/2000
of The HIGH COURT OF BOMBAY)

CHARUSHEELA VITTHAL VANJARI

Petitioner (s)

VERSUS

USHA ARUN NIKAM & ORS.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)
(With prayer for interim relief)

Date : 09/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. MD Adkar, Adv.
Mr. SD Singh, adv.
Mr. Vishwajit Singh,Adv.

For Respondent (s) Mr. Shambhu Prasad Singh, Adv.
Ms. Sultana V. Sonawane, Adv.
Mr. Ashok Kumar Singh,Adv.

Mr. NB Shetye, Sr.Adv.
Mr. Ashok Grover, Sr.Adv.
Mr. Satyajeet A Desai, Adv.
Mr. Shivaji M. Jadhav,Adv.

Mr. A Khaladkar, Adv.
Mr. M.J.Paul,Adv.

Mr. SS Shinde, Adv.
Mr. S.V. Deshpande,Adv.

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

Leave granted.

The appeal is dismissed. There shall be
no order as to costs.

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(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1217 OF 2001
(Arising out of SLP © No.10911/2000)

Charusheela Vitthal Vanjari & Appellant

Vs.

Usha Arun Nikam & Ors. & Respondents

O R D E R

Leave granted.

The appellant herein filed a Letters Patent Appeal before a Division Bench of the Bombay High Court. The said Letters Patent Appeal was admitted and the notice was issued. While admitting the Appeal, an interim order was granted which was subsequently modified by the order under challenge. This appeal is directed against the said interlocutory order.

Normally this Court under Article 136 of the Constitution of India does not interfere with the interlocutory orders. This case is not such which requires our interference, specially when appeal is to be heard finally. Learned counsel appearing for the appellant, urged that the High Court while modifying the interim order, has made certain observations on the merits of the matter which may come in the way of the appellant when the matter is finally heard in the High Court. This contention of learned counsel for the appellant has merit. We, therefore, while declining to interfere with the matter, direct that any observation made by the High Court in its order under challenge shall not come in the way of the High Court in deciding the appeal on merits. Since the High Court has already fixed the hearing on 16.3.2001, the High Court, if thinks appropriate, decide the matter expeditiously.

With these observations, we dismiss the appeal. There shall be no order as to costs.

& & & & & & & & & ..J.
(V.N. Khare)

& & & & & & & & ..J.
(N. Santosh Hegde)

New Delhi,
February 9, 2001.

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