

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12556/2009

(From the judgement and order dated 15/12/2008 in LPA No.970/1998 of The HIGH COURT OF PATNA)

DEV DAYAL GIRI & ORS.

Petitioner(s)

VERSUS

ARJUN GIRI & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 08/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. Nagendra Rai, Sr.Adv.
Mr. Shantanu Sagar, Adv.
Mr. Smarhar Singh, Adv.
Mr. Abhishek Kr. Singh, Adv.
Mr. Gopi Raman, Adv.
Ms. Preeti Rashmi, Adv.
Ms. Amita Rai, Adv.
Mr. P. Singh, Adv.
Mr. Sashank Singh, Adv.
Mr. T. Mahipal, Adv.

For Respondent(s)

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

Learned counsel for the petitioners has sought permission of this Court to withdraw this special leave petition with liberty to approach the High Court by way of a Review Petition as it has been submitted that although the finding recorded by the Revenue Court is that the petitioners' land is not adjoining raiyat land which he sought to purchase by virtue of his right of pre-emption, the fact remains that it is admittedly an adjoining raiyat land at least for which sale deed has been executed. This argument clearly hinges on appreciation of evidence in regard to the petitioners' plea that he has the adjoining raiyat of the land for which sale deed had been executed in regard to which the petitioners are claiming pre-emption.

The petitioners, therefore, may approach the High Court for the needful but insofar as this special leave petition is concerned, we do not consider it fit to be entertained.

The special leave petition is dismissed as withdrawn with the aforesaid liberty.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER