

C.A.No. 1893 OF 1998

ITEM No.102

Court No. 9

SECTION XI

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

Civil Appeal No. 1893 of 1998

HARNAM S. KAPOOR (DEAD) BY L.RS.

Appellant (s)

VERSUS

SHIV DUTT TIWARI & ORS. Respondent (s)

(With office report)

Date : 25/11/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Bharat Sangal,Adv.
Ms. Sangeeta S. Panicker,Adv.
Mr. R.R. Kumar,Adv.

For Respondent (s)Mr. Ashok A. Desai,Sr.Adv.
Mr. Anuvrat Sharma,Adv.
Mr. Umesh Bhagwat,Adv.

Dr. (Mrs.) Vipin Gupta,Adv.

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

Heard learned counsel for the parties from 2.00 p.m. to 2.45 p.m.

The civil appeal is disposed of as withdrawn.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1893 OF 1998

Harnam S. Kapoor (Dead) By L.Rs. ...Appellant(s)

Versus

Shiv Dutt Tiwari & Ors. ...Respondent(s)

O R D E R

After hearing learned counsel for the parties for some time, the learned counsel for the appellants sought permission to withdraw the application filed under Section 12 and the release application filed under Section 16 of the Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972 [for short, "the Act"] themselves stating that all the grounds available to them are not pleaded and the details and particulars also are not given in that application. In that view of the matter, the appellants will file a comprehensive fresh application under the Act or will avail other remedy available to them. He submitted that the respondents, who are now paying the amount as per the orders of this Court dated 23rd February, 1988, shall continue to pay in future also in terms thereof, until further orders are passed by the competent authority/court. The learned senior counsel for the

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respondents has no objection to grant permission to withdraw the release application filed by the appellant before the prescribed authority. In this view of the matter, we permit the appellants to withdraw the application filed under Section 12 of the Act and also the release application filed under Section 16 of the Act before the prescribed authority. The civil appeal is, accordingly, disposed of as withdrawn. We may, however, also clarify that the impugned order does not come in the way of the appellants in the proceedings that may be initiated by them pursuant to the withdrawal of the applications, as indicated above.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
November 25, 2003.