

ITEM NO.4

COURT NO.2

SECTION IX

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

I.A. NO.2 OF 2011 IN  
Petition(s) for Special Leave to Appeal (Civil) No(s).14399/2010

(From the judgement and order dated 09/02/2010 in CRA No.183/200 of  
The HIGH COURT OF BOMBAY AT AURANGABAD)

MOHD.ANSAR SALIK & ORS.

Petitioner(s)

VERSUS

SHAIKH HAMID BABUMIYA INAMDAR & ORS.

Respondent(s)

(With appln(s) for stay and office report)

Date: 11/11/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Ms. Neela Gokhale, Adv.  
Ms. Kamakshi S. Mehlwal, AOR

For Respondent(s) Mr. Kailash Vasdev, Sr. Adv.  
Mr. Devadatt Kamat, Adv.  
Mr. Nitin Lonkar, Adv.  
Ms. Priyanka Telang, Adv.  
Mr. Rajesh Inamdar, Adv.  
Mr. Rauf Rahim, AOR

Mr. Makarand D. Adkar, Adv.  
Mr. Vishwajit Singh, AOR

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

Having regard to the statements made in paragraph 3

SLP 14399/2010

of I.A. No.2 of 2011, and having regard to the fact that the construction work on the premises in question is more or less complete, we are of the view that the special leave petition itself should be heard out expeditiously. It appears that the respondent Nos.1 to 7, 9-15, 17, 19 to 23 and 25 to 29, have yet to be served. All of them are residents of Pune. The learned Advocate for the petitioners is directed to take steps to complete service on the respondents, who are yet to be served, by way of Dasti service and also by way of paper publication in the "Loksata". Such publication should be completed within two weeks from date. An affidavit of service to that effect is to be filed immediately thereafter.

Leave is also given to the petitioners to file their rejoinder to the counter affidavits, filed on behalf of the

respondents, within two weeks from date.

Let S.L.P. (C) No.13917 of 2010, be also listed for consideration along with this matter and, in the meantime, let service of notice be completed in the said matter as well. The respondents will be entitled to file their respective counter affidavits to the said special leave petition within four weeks. Rejoinder, if any, may be filed within one week thereafter. Similar steps, as directed in this matter, may be taken in the other matter for completion of service.

In the meantime, having regard to the statements made in paragraph 3 of I.A. No.2 of 2011, whereby the Division Bench of the Bombay High Court declared Survey No.395/A to be a Wakf property, the respondents shall remain restrained from handing over possession of the flats in question and from creating any further third party rights in the buildings in question.

Let this matter be listed for final disposal after

SLP 14399/2010

3

five weeks (16.12.2011).

(Chetan Kumar) (Juginder Kaur)  
Court Master Assistant Registrar