

SUPR EME COUR T OF I ND I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).17201/2008

(From the judgement and order dated 18/01/2008 in CO No. 3980/2007 of  
The HIGH COURT OF CALCUTTA)BASUDEV HALDER  
VERSUS

Petitioner(s)

SOME SHARMA (HALDER) &amp; ORS.

Respondent(s)

Date: 27/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE  
HON'BLE MR. JUSTICE R.M. LODHAFor Petitioner(s) Ms.M.Indrani, Adv.  
Mr.D.Bharat Kumar, Adv.  
Mr.Anand, Adv.  
Mr. Abhijit Sengupta,Adv.For Respondent(s) Mr.Prasanjit, Adv.  
Mr.Satyajeet Saha, Adv.  
Mrs V.D. Khanna,Adv.UPON hearing counsel the Court made the following  
ORDER

Having heard the learned counsel for the parties and after going through the impugned order, we are of the view that in the facts and circumstances of the present case, it is not a fit case where this Court, in the exercise of its discretionary power under Article 136 of the Constitution, shall interfere with the impugned order of the High Court, although the High Court, in the exercise of its revisional jurisdiction, had set aside the concurrent orders of the Courts below.

Accordingly, we refrain from exercising our discretionary power under Article 136 of the Constitution in the facts of this case and accordingly, this Special Leave Petition is dismissed.

However, since the suit is pending for a long time, let the same be decided at an early date, preferably within six months from the date of supply of a copy of this order to the trial court.

(Satish K.Yadav) (Sneh Bala Mehra)  
Court Master Court Master