

ITEM NO.MM-9B

COURT NO.9

SECTION XIIA

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)...../2012
CC 9246/2012

(From the judgement and order dated 27/04/2012 in CMA No.44/2012
in CMA No.872/2003 of The HIGH COURT OF A.P AT HYDERABAD)

ISHWAR HEMNANI

Petitioner(s)

VERSUS

M/S ASIA CERAMICS FACTORY & ORS.

Respondent(s)

(With appln(s) for permission to file SLP and prayer for interim
relief and office report)

Date: 11/05/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. P.S. Narasimha, Sr.Adv.
Mr. Sridhar Potaraju, Adv.
Mr. Gaichangpou Gangmei, Adv.

For Respondent(s)

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

Taken on Board.

Permission to file S.L.P. is granted.

The principal grievance made by learned
senior counsel appearing for the petitioner was that
without having heard the present petitioner Dr. Ishwar
Hemnani, the impugned order dated 27.4.2012 has been

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passed by the High Court in C.M.A. MP No.44/2012 in

C.M.A. No.872 of 2003. He contended that in the light

of this order, the present petitioner has been directed

to hand over charge of the management of the factory

forthwith to Respondent Nos.1 to 3 therein, namely, Sri

Akramulah Khan, Sri M.A. Aleem and Sri Jalal Ahmed.

It was contended that petitioner herein, vide

order dated 4.8.2009 passed by Senior Civil Judge, Asifabad in I.A. No.91/2009 in O.S. No.10/2002, the petitioner - General Power of Attorney holder of Mohd. Abdul Raof (Defendant No.2) was allowed to discharge the duties of the Receiver on behalf of Defendant No.2.

It was further submitted that there are other orders also touching the same issue. He, therefore, contended that had these orders been brought to the notice of the Division Bench of the High Court, then probably the impugned order may not have been passed.

We have been given to understand that right now the High Court is on summer vacation and is likely to be reopened in the month of June, 2012. It appears from the order that petitioner is required to hand over possession forthwith otherwise he may face serious consequences.

Thus looking to the urgency involved, we grant permission to the petitioner to file an

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appropriate application for review of the impugned order dated 27.4.2012 passed in C.M.A. MP No.44/2012 in C.M.A. No.872 of 2003 soon after reopening of the High Court.

Till the petitioner is able to file an application for review and till it comes up before the appropriate Bench for hearing, petitioner is to be safeguarded. Thus, until this period, the operation of the impugned order shall be kept in abeyance.

With this direction, this special leave petition stands disposed of.

(A.D. Sharma)
Court Master

(S.S.R. Krishna)
Court Master