

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).1 7 3 3 5 / 2 0 0 4

(From the judgement and order dated 1 3 / 0 4 / 2 0 0 4 in NM No.Nil of 2 0 0 4 in Appeal No.1 1 2 1 / 2 0 0 3 in EA No.2 0 4 of 1 9 9 7 in NM No.1 7 7 3 of 1 9 9 7 of The HIGH C O U R T O F B O M B A Y)

AV E E K S A R K A R

Petitioner(s)

V E R S U S

J A N A R D H A N M O H A N D A S R A J A N P I L L A I (D) B Y L R S

Respondent(s)

(With appln(s) for substituted service,permi s sion to submit additional document(s) and prayer for interim relief)

W I T H

SL P (C) NO. 1 7 6 2 1 of 2 0 0 4

SL P (C) NO. 1 7 6 1 9 of 2 0 0 4

SL P (C) NO. 1 7 6 2 2 of 2 0 0 4

(With appln(s) for substituted service,permi s sion to submit additional document(s) and prayer for interim relief)

Date: 2 1 / 0 4 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

H O N ' B L E M R. J U S T I C E A S H O K B H A N

H O N ' B L E M R. J U S T I C E D A L V E E R B H A N D A R I

For Petitioner(s) Mr. Arun Jaitley, Sr. Adv.

Mr. Sudipto Sark a r , Adv.

Mr. Gopal J ain, Adv.

Ms. Nandini Gore, Adv.

Ms. Pr agya Singh Baghel, Adv.

Ms. Pr achi Goel, Adv.for

Mrs Manik Ka r a n j a w a l a ,Adv.

For Respondent(s)

Mr. Dushyant Dave, Sr. Adv.

Mr. Anand Grover, Adv.

Mr. Naveen R. Nath,Adv.

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

Petitioners have challenged the interim orders passed by the High Court. The High Court while admitting the appeals stayed the execution of the decree. Learned senior counsel appearing for the petitioners, referring to

Order XLI Rule 5, CPC, states that there cannot be any absolute stay of a

decree. Learned senior counsel appearing for the respondents submitted

before us that the appeals are already on the board of the Division Bench.

Keeping in view the facts and circumstances of the case, we are not inclined to interfere with the interim orders except to the extent that the High Court shall make the order of stay absolute subject to furnishing of security to its own satisfaction. We would request the Hon'ble Division Bench to dispose of the appeals as early as possible.

The special leave petitions are disposed of accordingly.

(Parveen Kr. Chawla)
Court Master

(Kanwal Singh)
Court Master