

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.18167/2000

(From the judgement and order dated 22/08/2000 in WP 5073/99
of The HIGH COURT OF BOMBAY)

RANGRAO DAULATRAO SALOKHE

Petitioner (s)

VERSUS

RAJARAM DADU PATIL & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 20/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr.Shivaji M.Jadhav,adv
Mr. Anjali Dube,adv

For Respondent (s)

UPON hearing counsel the Court made the following
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The question arises in execution proceedings.
Learned counsel for the petitioner points out
that the respondents - tenants failed in their case
before the Revenue Tribunal on 8.12.98. Their writ
petition was dismissed on 12.3.99 and the SLP(C) Nos.
6703-04/99 filed in this Court, against that order was
also dismissed on 20.4.99, and that when they filed an
application for restoration of possession. Though the
Tribunal passed an order on 7.9.99 directing possession

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to be restored to them, the High Court has passed an
ad-interim order of stay on 10.9.99, and further directed
to continue the same on 22.8.2000, as an interim order.

Learned counsel submits that the ad-interim order
ought not to have been granted in favour of the
respondents on the above facts of when the question as to
the right to possession has already been finally
adjudicated in favour of the petitioner.

It will be open to the petitioner to place the above facts before the High Court by way of an interlocutory application, seeking to vacate the interim order passed by the High Court. If any such application is filed within one month from today, the High Court may receive the same in its file and dispose of the same in on merits accordance with the law.

With the above, direction, the SLP is dismissed.

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(T.K.Viswanadhan)
Cour Master

(D.D.Jindal)
Court Master