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SLP(C)No. 18957 OF 2000  
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..755 OF 2002@@  
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(Arising out of SLP(C) No.18957 of 2000)

Yusuf Yahya Shahjahanpurwala & Ors. .. Appellants

Vs.

The Cantonment Board Deolali & Ors. .. Respondents

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Leave granted.

The principal grievance of the appellants in this case is that they had not been made parties to the proceedings and adverse order had been passed by the High Court , which is under appeal in this matter.

There is hardly any answer to this contention advanced by the learned senior advocate appearing for the appellants. In the circumstances, we set aside the order made by the High Court and remit the matter to the High Court for fresh consideration in accordance with law subject to the condition that the appellants and other intervenors are at liberty to implead themselves as party within two weeks from today and they shall also deposit in the Court or pay the licence fee, if any, to the Cantonment Board as may have become due till 31.12.2001 and continue to pay the same until disposal of the matter

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as and when it becomes due. The High Court shall dispose of the matter as expeditiously as possible. If the High Court thinks fit, it may withdraw the appeals filed against order dated 21.11.2000 in RCS No. 955/2000 and 974/2000 i.e. Civil Misc Appeal No.264/2000,265/2000 filed by the petitioners before the District Judge, Nasik and Civil Misc. Appeal No. 266/2000 and 267/2000 filed by Cantonment Board, pending before the District Court and dispose them of alongwith the Writ petition.

The appeal is disposed of accordingly.

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[ S. RAJENDRA BABU ]@@  
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