

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) No(s).16369/2011

(From the judgement and order dated 28/03/2011 in AFO No.26/2011 of
The HIGH COURT OF GUJARAT AT AHMEDABAD)

SAI DEVELOPERS & ANR

Petitioner(s)

VERSUS

NAKULAN S PANNAKAR & ORS.

Respondent(s)

(With prayer for interim relief and office report)
(For final disposal)

Date: 23/01/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Gopal Subramaniam, Sr. Adv.
Mr. Yatin Oza, Sr. Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Mr. Asish Desai, Adv.
M/S. Lawyer'S Knit & Co, Adv.

For Respondent(s) Mr. C.A. Sundaram, Sr. Adv.
For 3 & 4 Mr. K.V. Vishwanathan, Sr. Adv.
Ms. Aruna Gupta, Adv.

For 1 & 2 Mr. Dushyant Dave, Sr. Adv.
Mr. Mihri Joshi, Sr. Adv.
Ms. Hemantika Wahi, Adv.

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

Heard all the parties concerned.

Considering the various issues raised and findings
by both Courts, we are not inclined to grant any relief
insofar as injunction application is concerned. However,
considering the urgency and the issues raised as also
taking note of the fact that the defendants have filed
written statement, we direct the Trial Court to dispose
of the main suit within a period of four months from the
date of receipt of the copy of the order. We also direct
all the parties concerned to co-operate and not to take
unnecessary adjournments.

It is clarified that that whatever observation
made by the Trial Court and the High Court relating to
the claim of the parties before it shall be confined for
the disposal of the injunction application and the Trial
Court while deciding the main suit is free to decide the
issues one way or the other on merits and in accordance
with law.

Mr. C.A. Sundaram, learned senior counsel
appearing on behalf of Respondent nos. 3 and 4, viz.,
Shri Arvind Dwarkadas Jani and Shri Vallabhji

Narsinhbhai Nagada, represents that till final decision being taken in the suit, no third party interest would be created. The above statement is hereby recorded.

It is also clarified that if anything happens at the instance of Respondent Nos. 1 and 2 pending decision by the Trial Court, the aggrieved parties are entitled to raise the doctrine of lispendence.

With the above observation and clarification, the special leave petition is disposed of.

[Madhu Bala]
Sr.PA

[Savita Sainani]
Court Master