

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.

OF 2005

(Arising out of SLP(C) No.20074-20075/2003)

PATNAM SHAKUNTALA & ANR.

.....

APPELLANTS

VERSUS

GIRIDHAR MULJI CHAVDA (D) BY LRS. & ORS.

.....RESPONDENTS

WITH

CIVIL APPEAL NOS.

OF 2005

(Arising out of SLP(C) No.20129-20130/2003)

WITH

CIVIL APPEAL NOS.

OF 2005

(Arising out of SLP(C) No.20964-20965/2003)

O

R D E R

Delay in filing the counter affidavit is condoned.

Leave granted.

Heard learned counsel for the parties.

The appeals are filed against the interim order passed in appeal

by the

High Court vacating the earlier order of injunction granted directing maintenance of

status quo. After hearing the learned counsel for the parties, in our opinion, the

High Court erred in exercising the discretion in vacating the injunction already

granted. The result would be that third party interest would be created and the

litigation will prolong. Instead it could have been appropriate for the High Court to

direct the parties to maintain status quo with regard to the property in question until

decision of the appeals.

We dispose of these appeals by setting aside the impugned order of the High Court. The cases are sent back to the High Court to decide the appeals afresh in accordance with law.

We direct the parties to maintain status quo, i.e., not to alienate or create

a third party interest in the property involved. On behalf of the sole respondent in

SLP(C) No.20130/2003, the counsel appearing states that the matter has been

settled inter se between the parties and no further directions are required.

The appeal accordingly stand disposed of.

.....J.

M.DHARMADHIKARI)

.....

(D.

.....

.....J.

(B

.N.SRIKRISHNA)

NEW DELHI;

APRIL 8 , 2005.

ITEM NO.39

COURT NO.12

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) No(s).20074-20075/2003
(From the judgement and order dated 25/07/2003 in AS No. 1006/2003 & CMP No. 11345/2003 & CMP No. 15051/2003 of The HIGH COURT OF A.P AT HYDERABAD)

PATNAM SHAKUNTALA & ANR.

Petitioner(s)

VERSUS

GIRIDHAR MULJI CHAVDA (D) BY LRS. & ORS.

Respondent(s)

(With appln(s) for c/delay in filing counter affidavit and with prayer for interim relief and office report)

WITH

S.L.P.(C) NO. 20129-20130 of 2003

(With appln(s) for c/delay in filing counter affidavit)

(With prayer for interim relief and office report)

S.L.P.(C) NO. 20964-20965 of 2003

(With appln(s) for c/delay in filing counter affidavit)

(With prayer for interim relief and office report)

Date: 08/04/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr.S.Udaya Kumar Sagar, Adv.

Ms.Bina Madhavan, Adv.

Ms.Susan Zachariah, Adv.

Mr.A.Venayagam, Adv.

For M/s. Lawyer'S Knit & Co,Adv.

For Respondent(s)

Mr. S. Muralidhar,Adv.

Mr.Somiran Sharma, Adv.

Mr.Amit Sharma, Adv.

Mr.P.S.Narasimha, Adv.

Mr.Ananga Bhattacharyya, Adv.

For M/s.P.S.N. & Co., Adv.

UPON hearing counsel the Court made the following

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O R D E R

Delay in filing the counter affidavit is condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

(Satish K. Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order is placed on the file)

