

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

I.A. NOS. 19-27 & I.A.....IN CIVIL APPEAL NO(s). 2501 OF 2002

UNION OF INDIA & ANR.

Appellant (s)

VERSUS

RAJA MOHAMMED AMIR MOHAMMAD KHAN

Respondent(s)

(For direction, permission to file appln. for direction, exemption from filing O.T., permission to file rejoinder affidavit, impleadment, stay and Office Report)

WITH

C.P.(C) NO.87/2006 IN C.A. NO. 2501/2002 - With appln. for impleadment, direction/modification, permission to file documents and rejoinder affidavit, permission to file appln. for direction, exemption from filing O.T., permission to file addl. documents and permission to file additional affidavit and with office report

Date: 02/04/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s) Mr. Vivek Singh, Adv.
Ms. Shweta Garg, Adv. for
Mr. Shreekant N. Terdal, Adv.
Ms. Sushma Suri, Adv.
Mr. V.K.Verma, Adv.(N.P)

For Respondent(s) Mr. P.V.Kapoor, Sr. Adv.
and for ptr. Ms. Anjali K.Varma, Adv.
in C.P. Mr. Niraj Gupta, Adv.
Ms. Meera Mathur, Adv.

Mr. Subhash Chandra Jain, Adv.

Mr. Shrish Kumar Mishra, Adv.

IA 19 to 24 in Mr. Ajay Kumar Singh, Adv.
CA 2501//02 Ms. Sunita Gautam, Adv.

For State of UP Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Shail Kr. Dwivedi, Adv.
Mr. Shantanu Krishna, Adv.
Mr. Gunnam Venkateswara Rao, Adv.

IA 4 to 9 and 23 to 46
in C.Pet 87/06 Mr. Ram Jethamalani, Sr. Adv.
Mr. Sunil Kumar Jain, Adv.
Mr. Manish Kumar, Adv.
Mr. Ajay K. Bhatia, Adv.
Mr. Ramesh Shukla, Adv.

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UPON hearing counsel the Court made the following
ORDER

In the pending Contempt Proceedings, several IAs have been
filed by persons claiming to be tenants of the Estate of the appellant.

Of the said applications, I.A. Nos. 4 to 9 and 23 to 46 have

been filed for leave to file the said applications in the pending Contempt Proceedings. The other applications have been made seeking impleadment and also directions for modification of the Order dated 3rd January, 2007.

Having heard learned counsel for the respective parties, we are of the view that since the Contempt Proceedings relate to interpretation of the Judgment of this Court delivered on 21 st October, 2005, in Civil Appeal No. 2501/02, which appears their interest in some of the properties involved, the applicants may have submissions to make with regard to the said Order.

Having regard to the above, I.A. Nos 4 to 9 and 23 to 46 which have been taken on Board, are disposed of with leave to the applicants to intervene in the Contempt Proceedings. Till the Contempt Proceedings are not disposed of or until further orders therein, whichever is earlier the Custodian shall not evict the applicants.

Having regard to the fact that the Judgment was delivered in 2005, the Contempt Proceedings be listed on the Board for final hearing at an early date. The applicants will be entitled to file additional affidavit, if any, within four weeks from date. Reply, if any, thereto be filed

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within two weeks thereafter.

Let the Contempt Application be listed immediately thereafter.

As far as I.A. Nos 19 to 27 in C.A. No. 2501/02 are concerned, the same, in our view, are not maintainable since the said Appeal has already been disposed of. Certain directions have been given in the Contempt Proceedings, which includes the appointment of a Commissioner to go into the claims of different tenants. If persons claiming to be tenant of the Estate are aggrieved by the findings of the Commissioner, they would be at liberty to take appropriate steps in the Contempt Proceedings.

These Applications are accordingly dismissed.

Let the Contempt Application be listed immediately after the pleadings are complete.

As far as I.As 19 to 24 are concerned, let these also be taken up along with the Contempt Petition.

(Ganga Thakur)
PS to Registrar

(Radha R. Bhatia)
Court Master