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ITEM NO.42

COURT NO.3

SECTION XVI

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).23811/2010

(From the judgement and order dated 15/04/2010 in SA No.73/2007 of The HIGH COURT OF PATNA)

PUNIA DEVI

Petitioner(s)

VERSUS

OM PRAKASH PODDAR & ANR.

Respondent(s)

(With prayer for interim relief and office report )

Date: 04/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. R.P. Bhatt, Sr. Adv.  
Mr. Mohit Kumar Shah, Adv.

For Respondent(s)

Mr. Nagendra Rai, Sr. Adv.  
Ms. Priti Reshami, Adv.

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

This petition is directed against judgment dated 15.04.2010 of the learned Single Judge of the Patna High Court, whereby the second appeal filed by the petitioner was dismissed and the concurrent judgments and decrees passed by the trial Court and the lower appellate Court in a suit for specific performance filed by respondent no.1 were upheld.

We have heard Shri R.P. Bhatt, learned senior counsel for the petitioner for some time and carefully scanned the record.

In our view, the judgments of the trial Court and the lower appellate Court were based on correct analysis of the pleadings of the parties and appreciation of the evidence produced by them and the High Court did not commit any error by refusing to interfere with the same in exercise of its power under Section 100, CPC.

The special leave petition is accordingly dismissed.

| (Parveen Kr.Chawla)

| Court Master

| | (Phoolan Wati Arora)

| | Court Master