

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).21783/2012

(From the judgement and order dated 04/04/2012 in AN No.119/2012 of The HIGH COURT OF BOMBAY)

CHANDULAL POPATLAL PATEL & ORS. Petitioner(s)

VERSUS

NUTAN KRISHNARAO RAUT & ORS. Respondent(s)
(With prayer for interim relief)

Date: 03/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Jayant Bhushan, Sr. Adv.
Mr. Mohit Chaudhary, Adv.
Ms. Puja Sharma, Adv.

For Respondent(s)

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

Heard.

We do not see any reason to interfere with the impugned order passed by the High Court. The special leave petition is dismissed.

Mr. Jayant Bhushan, learned senior counsel for the petitioners, however, submitted that since the respondents have already constructed a building over the suit property and since the flats available in the building are likely to be sold by them to the third parties, the respondents would be directed to incorporate

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a specific condition in the sale deed/agreement in favour of such third party purchasers that the purchase by them is subject to the outcome of the suit filed by the plaintiff-petitioners.

No prayer to the above effect appears to have been made before the High Court nor does the impugned order does not deal with the same. The petitioner may, therefore, make a separate application, if so advised, before the High Court for any such limited direction and the incorporation of a specific condition in the sale deed/agreement executed in favour of third party purchasers. If made, the application may be heard and disposed of by the High Court in accordance with law after notice to the parties opposite.

