

ITEM NO.24

IN COURT NO.3

SECTION XIV

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).21165-21166/2011

(From the judgement and order dated 23/02/2011 in RSA No. 271/2000 & RSA No. 307/2000 of The HIGH COURT OF H.P AT SHIMLA)

NARAIN SINGH & ORS. Petitioner(s)

VERSUS

BEGMU DEVI & ORS. Respondent(s)

(With prayer for interim relief)

Date: 12/08/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. J.S. Attri, Sr. Adv.
Mr. Rameshwar Prasad Goyal, Adv.
Mr. Nitin Kumar Srivastava, Adv.

For Respondent(s)

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

Learned counsel for the petitioner submits that the High Court while affirming the judgment of the First Appellate Court that there has been no partition by metes and bounds has further directed in paragraphs 6 and 7 "that the possession of the plaintiff Manohar Lal cannot be disturbed that is to say that his

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cultivating possession cannot be interfered with by any of the defendants. He further submits that by this observation, the impugned judgment of the High Court may be misconstrued to mean that the possession of the defendants cannot be interfered with at all even after the

partition by metes and bounds by the revenue

court.

On a reading of the entire impugned judgment, we are of the view that High Court has only held that the possession of the plaintiff is to be protected only till the partition in metes and bound by the revenue court.

With this observation, the special leave petitions are dismissed.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master