

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).24534/2008

(From the judgement and order dated 11/04/2008 in WP No.5509/2005 of The HIGH COURT OF BOMBAY AT NAGPUR)

MANOJ KUMAR & ORS. Petitioner(s)

VERSUS

P.LOKNATH RAJA & ORS. Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim relief and office report )

Date: 02/03/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Ranjit Kumar, Sr. Adv.  
Mr.Manish Pitale, Adv.  
Mr. Wasi Haider, Adv.  
Mr. Chander Shekhar Ashri,Adv.(Not present)

For Respondent(s) Mr. Pallav Shishodia, Sr. Adv.  
Mr. P.N. Gupta,Adv.  
Mr.M.P. Jain, Adv.  
Mr. Varun Chaudhary, Adv.  
  
Mr. Chinmoy A. Khaladkar, Adv.  
Ms. Asha Gopalan Nair ,AOR  
  
Mr. Gagan Sanghi, Adv.  
Mr. Rameshwar Prasad Goyal ,Adv(Not present)

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

I.A. No. of 2011(for additional documents)

This is an application by the petitioners for permission to place on record additional documents marked Annexures P-12 to P-15.

We have heard Shri Ranjit Kumar, learned senior counsel for the applicants-petitioners and Shri Pallav Shishodia, learned senior counsel for the contesting respondent(s) and carefully perused the averments contained in the application filed for grant of leave to place on record the additional documents and are satisfied that applicants-petitioners have succeeded in making out a case

for taking on record the additional documents.

The application is accordingly allowed and the additional documents filed with the interlocutory application are taken on record.

S.L.P.(C) No.24534 of 2008

Leave granted.

The appeal is allowed in terms of the signed order.

(Parveen Kr.Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2735 OF 2012  
(Arising from SLP(C) No.24534 of 2008)

Manoj Kumar and others

..Appellants

versus

P. Loknath Raja and others

..Respondents

O R D E R

Leave granted.

This appeal is directed against order dated 11.04.2008 passed by the learned Single Judge of the Bombay High Court, Nagpur Bench whereby writ petition filed by respondent no.1 was allowed and orders dated 31.10.2001 and 4.3.2005 passed by the Additional Commissioner, Amravati Division, Amravati and the State Government respectively were quashed.

By a separate order passed today in I.A. No. nil of 2011, we have granted leave to the appellants to place on record additional documents marked Annexures P-12 to P-15.

We have heard learned counsel for the parties and perused the record. Since, the High Court did not have the benefit of considering the case of the appellants herein in

the light of the additional documents, we feel that ends of justice will be served by setting aside the impugned order and remitting the matter to the High Court for fresh disposal of the writ petition.

The appeal is accordingly disposed of in the following terms:

1. The impugned order is set aside and the matter is remitted to the High Court for fresh disposal of the writ petition filed by respondent No.1.
2. The parties may, if so advised, file additional pleadings, affidavits and documents within a period of three months.
3. Before the High Court, the parties shall be free to raise legally permissible objections and contentions.

Since, the issue relating to auction of the property belonging to Everest Textile Industry Limited is pending for last more than 11 years, we request the High Court to make an endeavour to dispose of the writ petition afresh as early as possible but latest within nine months from the date of receipt/production of a copy of this order.

.....J.  
[G.S. SINGHVI]

NEW DELHI;  
MARCH 02, 2012

.....J.  
[SUDHANSU JYOTI MUKHOPADHAYA]