

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).24363 OF 2003

(From the judgement and order dated 12/09/2003 in CMWP No. 22239/1995 of HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAJA RAM

Petitioner(s)

VERSUS

SHEO GOPAL & ORS.

Respondent(s)

(With prayer for interim relief and office report )

Date: 11/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner(s)

Ms. V. Mohana,Adv.

For Respondent(s)

R-1

Mr. M.M. Kshatriya, Adv.

Miss Nandini Mukerjee, Adv.

Sri Dipankar Das, Adv.

For R2toR4

Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following

O R D E R

It appears that the property in question was sold by auction on 6.9.1991

and the sale was confirmed by order dated 23.10.91. The sale certificate was issued on

26.2.1992. According to the petitioner, he came to know of the auction sale in the

month of October, 1993 and filed an application for setting aside the sale on 8.10.93.

Counsel for the petitioner submits before us that the petitioner had engaged

a counsel to represent him and the said counsel died, with the result that proceeding

continued without the petitioner being represented and, therefore, the petitioner could

not know of the proceeding taken for auction sale of the property in question. We find

that no such plea has been noticed in the impugned judgment and order of the High

Court. Counsel states that such a plea was raised and argued before the High Court.

She says that she will be filing a copy of the revision petition to satisfy this Court that a

plea had been raised before the High Court that the advocate engaged by the petitioner died during the pendency of the proceeding.

Put up after three weeks.

(Sheetal Dhingra)

Court Master

(Asha Joshi)

Assistant Registrar