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ITEM NO.22

COURT NO.12

SECTION XVII

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).30774/2010

(From the judgement and order dated 19/05/2010 in SA No.172/2005 of The
HIGH COURT OF JHARKHAND AT RANCHI)

M/S TATA IRON AND STEEL CO. LTD

Petitioner(s)

VERSUS

PADMA DEVI AND ORS

Respondent(s)

(With office report) (For final disposal)

Date: 12/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. R.F. Nariman, Sr.Adv.
Mr. Dushyant A. Dave, Sr.Adv.
Mr. M.K. Dua, Adv.

For Respondent(s) Mr. Ravi Shankar Prashad, Sr.Adv.
Mr. Ritwash Pradhan, Adv.
Mr. S.K. Sabharwal, Adv.

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

Leave granted as it had been submitted that the findings recorded by the Courts below ignoring the fact that the petitioner came in possession of the suit land way back in 1936-1937 and the suit was held maintainable in the year 1993 much beyond the period of limitation clearly raises a question mark on the finding relating to the issue of actual physical possession of the contesting parties.

Learned counsel for the respondent, however, submitted that the Deed of Surrender on the basis of which the petitioner is claiming possession has been held to be forged and fabricated concurrently by the findings recorded by the three courts below.

The actual physical possession on the suit land has also been asserted by the respondent whereas the plea of the petitioner is that the residential buildings of the employees of the company and other structures are standing on the suit land.

However, we express no opinion on the contesting claim of the parties in regard to their assertion of actual physical possession on the suit land but we are surely of the view that the matter requires consideration. Hence, the matter be listed for hearing.

Interim order of status quo passed earlier shall remain effective during pendency of the appeal.

Hearing of the appeal is expedited.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER