

ITEM NO.37

COURT NO.11

SECTION IVA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).4540/2009

(From the judgement and order dated 16/09/2008 in
of The HIGH COURT OF M.P AT INDORE)

MA No. 1073/2007

AVINASH HIRAN

Petitioner(s)

VERSUS

GURBEJ SINGH KHANUJA & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 06/12/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Niraj Sharma,Adv.

For Respondent(s) Ms. Christi Jain,Adv.

Mr. Gaurav Liberhan, Adv.
Mr. Jayant Kumar Mehta,Adv.

UPON hearing counsel the Court made the following

O R D E R

This petition is directed against order dated 16.9.2008 passed by the learned Single Judge of the Madhya Pradesh High Court whereby he set aside order dated 22.3.2007 passed by XIIth Additional District Judge, Indore in Execution Case No.20-B/96 and disposed of the appeal preferred by respondent no.1 in the following terms:

"1. Appellant shall clear the dues of respondent No.1 & 2 by satisfying the decree passed against the appellant along with interest and litigation expenses within a

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period of two weeks.

2. The amount which was deposited by the respondent No.3 towards sale of the suit property shall be returned to respondent No.3.

3. Appellant shall pay interest of the amount of sale, which was deposited by the respondent No.3 from the date of depositing the amount till payment @ 12% pa.

4. Appellant shall also pay 5% of the purchased money for payment to the respondent No.3.

5. In case of non-appliance of any of the terms of the order passed hereinabove, the appeal filed by the appellant shall be treated as dismissed."

We have heard Shri Niraj Sharma, learned
counsel for the petitioner and Ms. Christi Jain,

learned counsel for respondent no.1 and are convinced that the order under challenge does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master