

ITEM NO.38

COURT NO.11

SECTION IVA

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).205/2009
(From the judgement and order dated 09/09/2008 in MCC No.
131/2008 of The HIGH COURT OF M.P. AT INDORE)

USHA RAJE & ORS.

Petitioner(s)

VERSUS

JAGDEEPENDRA SINGH HOLKAR & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 16/04/2010 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.U.U.Lalit, Sr.Adv.
Mr.Shekhar Bhargava, Sr.Adv.
Mr.Ardhendumauli K.Prasad, Adv.
Mr.R.S.Laad, Adv.
Mr.Ishit Saharia, Adv.
Mr.Nirmal Ambastha, Adv.
for Dr. Kailash Chand,Adv.

For Respondent(s) Mr.Rakesh Dwivedi, Sr.Adv.
Mr.Nikhil Jain, Adv.
Mr.Ankit Dalela, Adv.
Mr. Ajay Pal,Adv.

Mr.Ravindra Shrivastava, Adv.
Ms.Sadhna Pathak, Adv.
Mr.Vinay Jain, Adv.
For Mr. Lakshmi Raman Singh ,Adv

2

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

This petition is directed against the order dated 09.09.2008 passed by the Division Bench of the High Court of Madhya Pradesh in M.C.C.No.131 of 2008, which was filed by the respondent nos.2 and 3 herein.

During the pendency of this Special Leave Petition, respondent no.2 has filed an affidavit dated 09.11.2009, paragraphs 4, 5 and 6 whereof read as under :

"...4.That during the pendency of the present SLP, the respondent no.2 & 3 herein have settled the matter amicably with the petitioners herein and have filed an application u/o.23 rule 1 of the Code of Civil Procedure, 1908, before the Hon'ble High Court of M.P. Bench at Indore in First Appeal No.264 of 2003 to abandon their

rights, if any in the said appeal. A copy of the said application dated 15.12.2008 is annexed herewith and marked as Annexure R-2/1.

5. That the Respondent No.2 & 3 herein, have also filed an application for withdrawal of applications filed u/o 41 rule 4 read with Section 151 and u/o 40 rule 1 read with Section 151 of the Code of Civil Procedure, 1908. A copy of the application dated 09.01.2009 is annexed herewith and marked as Annexure R-2/2.

6. That in the facts and circumstances as pointed out herein above, the Respondent no.2 & 3 have no grievance if the order dated 09.09.2008 passed in MCC No.131 of 2008 is set aside."

In view of the prayer made by respondent nos.2 and 3 herein to allow them to withdraw MCC No.131/2008, this Special Leave Petition is disposed of in the following terms :

1) Respondent nos.2 & 3 are allowed to withdraw MCC No.131/2008 which was filed before the Madhya Pradesh High Court;

2) The impugned order is set aside.

The Parties shall bear their own costs.

3

Needless to say that disposal of special leave petition in the manner indicated above shall not prejudicially affect the rights of either parties.

(G.V.Ramana)
Court Master

(Phoolan Wati Arora)
Court Master