

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2492/2008

(From the judgement and order dated 13/09/2007 in SA No. 1445/2000 & CMRA No. 107324/2003 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

U.P.AVAS EVAM VIKAS PARISHAD & ANR.

Petitioner(s)

VERSUS

MAHAVIR PRASAD

Respondent(s)

(With appln(s) for permission to place addl. documents on record and prayer for interim relief and office report )

WITH SLP(C) NO. 5780 of 2008

(With prayer for interim relief and office report)

Date: 27/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. K.K.Venugopal, Sr. Adv.  
Mr. Vishwajit Singh, Adv.  
Mrs. Veera Kaul Singh, Adv.  
Mr. Siddarth Sengar, Adv.  
Mr. A. Maheshwari, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Leave granted.

The appeals are allowed. No costs.

[SUMAN WADHWA]  
COURT MASTER

[SHASHI BALA VIJ]  
COURT MASTER

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2870 OF 2009  
(Arising out of SLP(C) No. 2492/2008)

U.P. Avas Evam Vikas Parishad & Anr.

Appellant (s)

Versus

Mahavir Prasad

...Respondent(s)

CIVIL APPEAL NO. 2871 OF 2009  
(Arising out of SLP(C) No. 5780/2008)

ORDER

Leave granted.

The respondent has not entered appearance.

Considering the peculiar circumstances highlighted by Mr.K.K.Venugopal, learned senior counsel appearing for the appellants, we set aside the impugned orders of the learned Single Judge of the Allahabad High Court in Civil Miscellaneous Review Application No. 107324 of 2003 in Second Appeal No. 1445 of 2000 and in Second Appeal No. 1445 of 2000 and direct the second appeal to be heard afresh on merits. We make it clear that we have not expressed any opinion on the merits of the case.

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We request the High Court to explore the possibility of early disposal of the Second Appeal.

The civil appeals are allowed. No costs.

.....J.  
(Dr. ARIJIT PASAYAT)

.....J.  
(ASOK KUMAR GANGULY)

New Delhi,  
April 27, 2009.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION (C)\_ NO. 58 OF 2008  
IN  
CIVIL APPEAL NO. OF 2009  
(Arising out of SLP(C) No. 2903/2007)

Dhan Raj Sharma & Ors. ...Appellant

Versus

State of Haryana ...Respondent(s)

ORDER

In view of the order passed in the Civil Appeal No...../2009 @ SLP(C) No. 2903/2007 no orders are necessary to be passed in this contempt petition.

The contempt petition is disposed of accordingly.

.....J.  
(Dr. ARIJIT PASAYAT)

.....J.  
(ASOK KUMAR GANGULY)

New Delhi,  
April 27, 2009.