

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).501/2009
(From the judgement and order dated 27/09/2008 in DBSA No.472/2008
of The HIGH COURT OF RAJASTHAN AT JODHPUR)

PUSTIMARGIYA TRITYA PEETH PRANYAS & ORS

Petitioner(s)

VERSUS

KUNDAN SINGH & ORS. Respondent(s)
(With appln(s) for exemption from filing O.T. and prayer for
interim relief)

Date: 13/01/2009 This Petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s) Mr. Amar Dave,Adv.
Mr. P.S. Sudheer,Adv.
Mr. Rishi Maheshwari,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Taken on Board.

Heard learned counsel for the petitioners.

After some arguments, learned counsel appearing
on behalf of the petitioners is permitted to withdraw this
petition. We may, however, observe that it would be open to
the defendants-petitioners to challenge the correctness of
order dated 23rd May, 2007 passed by the Trial Court in
Civil Suit No.108 of 2005 in appeal, if any, filed by any of
the parties against the decree, which may be passed in suit.
If it is so done, the Appellate Court shall examine the
correctness of the same without being prejudiced by any of
the observations in the impugned order passed by the High
Court.

The special leave petition is, accordingly, disposed
of.

[T.I. Rajput] [Savita Sainani]
A.R.-cum-P.S. Court Master