

ITEM NO.9 Court 5 (Video Conferencing) SECTION X

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 14956/2020

(Arising out of impugned final judgment and order dated 25-07-2019 in CLMA No. 14298/2017 passed by the High Court Of Uttarakhand At Nainital)

AZAD KHAN Petitioner(s)

VERSUS

NAGAR PALIKA PARISHAD ALMORA & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.97569/2020-CONDONATION OF DELAY IN FILING and IA No.97570/2020-EXEMPTION FROM FILING O.T.)

Date : 16-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s)

Mr. Manoj C. Mishra, AOR
Mr. Amit Gupta, Adv.
Mr. Sanjay Kumar Visen, AOR

For Respondent(s)

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

Delay condoned.

In deference to the observations made by the Court, the learned counsel for the petitioner submits that although the petitioner has lost possession of the premises, he may be permitted to approach the High Court and persuade that Court to relax the condition stated in

paragraph 9 of the impugned judgment so that the local authority can let out the premises after conducting public auction. We accept this prayer of the petitioner.

However, the High Court may consider that request on its own merits, keeping in mind the nature of relief claimed by the appellant before it on the suit as filed wherefrom the second appeal has arisen for its consideration.

We are not expressing any opinion in that regard.

The Special Leave Petition is dismissed accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)