

ITEM NO.25

COURT NO.7

SECTION XI

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 (C) No(s). 2880/2020

(Arising out of impugned final judgment and order dated 05-11-2019 in SCCR No. 105/2019 passed by the High Court Of Judicature At Allahabad)

RADHEY SHYAM SHARMA

Petitioner(s)

VERSUS

THAKUR BANSHIVAT JI MAHARAJ  
BIRAJMAN BANSHIBAT BRINDABAN

Respondent(s)

(FOR ADMISSION and IA No.17393/2020-EXEMPTION FROM FILING O.T. )

Date : 07-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Rutwik Panda, AOR  
Ms. Nikhar Berry, Adv.  
Ms. Anshu Malik, Adv.

For Respondent(s)

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

The grievance of the petitioner is that the fundamental issue urged on behalf of the petitioner before the High Court has not been noted by the High Court in the impugned judgment. Moreover, the High Court erroneously proceeded on the basis that the plaintiff-respondent is the owner and landlord of the disputed property as being the agreed position between the parties. For, no such case was

ever set up during the proceedings before the courts below.

If such is the grievance of the petitioner, we grant liberty to the petitioner to move the High Court by way of review and to approach this Court again to challenge the impugned order as well as the order to be passed in the review petition by the High Court, if so required.

The special leave petition and pending application(s) are disposed of accordingly.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER