

ITEM NO.10

COURT NO.6

OUT TODAY
SECTION XIVS 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). 20123/2017

(Arising out of impugned final judgment and order dated 27-07-2017 in CMP No. 158/2012 passed by the High Court Of Himachal Pradesh At Shimla)

KAUSHALAYA DEVI & ORS.

Petitioner(s)

VERSUS

KAUSHALAYA DEVI (DEAD) THROUGH LRS.

Respondent(s)

(With Interim Relief)

Date : 10-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Dinesh K. Garg, Adv.
Mr. Abhishek Garg, Adv.
Mr. Dhananjay Garg, AOR
Mr. P.B.A. Srinivasan, Adv.
Ms. Vidhi Gupta, Adv.
Mr. Parv Garg, Adv.

For Respondent(s) Ms. Ritu Rastogi, Adv.
Ms. Sasmita Tripathy, Adv.
Mr. Sanjay Kumar Visen, AOR

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

Our attention was invited by learned counsel for the petitioners, to para '53' of the order.

Learned counsel for the petitioners submits that petitioner no.1 is aged, sick and also bed-ridden. It is submitted that petitioners no.2 and 3, married daughters of petitioner no.1, were not residing at the station.

Learned counsel for the petitioners further submits that the petitioners are willing to tender an unconditional apology and petitioners no.2 and 3 are also ready to make personal appearance before the High Court to tender the apology.

We are of the view that a further opportunity needs to be given to the petitioners. Therefore, without expressing any opinion on the merits of the case, we permit the petitioners to make attempts which are recorded above.

We request the High Court that if such an attempt is made, it will be open to the High Court to pass appropriate orders, *de hors* the order already passed.

In order to enable the order to work out, direction for demolition is deferred for a period of two months.

The special leave petition is disposed of, as above.

We make it clear that we have not expressed any opinion on the merits of the case.

(MAHABIR SINGH)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR