

ITEM NO.13

Court 4 (Video Conferencing)

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) Nos.16825-16826/2021

(Arising out of impugned final judgment and order dated 17-08-2021 in FAFO No.947/2021 27-09-2021 in FAFO No.947/2021 passed by the High Court of Judicature at Allahabad)

LAXMI NARAYAN GOYAL

Petitioner(s)

VERSUS

RAM PRAKASH SHARMA & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.137025/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.137026/2021-EXEMPTION FROM FILING O.T.)

Date : 29-10-2021 These petitions were called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MRS. JUSTICE B.V. NAGARATHNA**

For Petitioner(s)

Mr. Aman Gupta, AOR

For Respondent(s)

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

- 1 Mr Aman Gupta, counsel appearing on behalf of the petitioner submits that:
 - (i) The second respondent has filed a suit for cancellation of the sale deed dated 28 September 2017 issued in favour of the petitioner, but no relief has been granted;

- (ii) In the suit instituted by the petitioner, the trial Judge granted an ad-interim stay restraining the respondents from interfering with the possession of the petitioner;
 - (iii) The ad-interim injunction was confirmed by the trial Judge on 19 July 2021;
 - (iv) In the appeal under Order 43 Rule 1 of the Code of Civil Procedure filed by the respondents, the High Court by its order dated 17 August 2021 directed the maintenance of *status quo* by consent after recording specifically that the petitioners had only made a statement that they were not going to create any third parties in respect of the property;
 - (v) When an application for correction was filed before the High Court, the Division Bench by its order dated 27 September 2021 clarified that while the petitioners claimed to be in possession of the property, if they wish to construct a boundary wall, they may do so subject to the result of the suit.
- 2 In the above facts, it has been submitted that both the initial order of the High Court dated 17 August 2021 as well as the subsequent order dated 27 September 2021 contain no reasons at all and there has been a manifest error on the part of the High Court in passing orders under Order 43 Rule 1 of the CPC without furnishing any reasons whatsoever.
- 3 Issue notice, returnable in six weeks.
- 4 Dasti, in addition, is permitted.
- 5 List the Special Leave Petition on 13 December 2021.

- 6 Till the next date of listing, there shall be a stay of the operation of the orders of the High Court dated 17 August 2021 and 27 September 2021. The interim order passed by the learned trial Judge shall continue to hold the field pending further orders.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master