

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A.NOS. 2 AND 3 OF 2017
IN
CIVIL APPEAL NO. 25 OF 2017

LUCKNOW DEVELOPMENT AUTHORITY Appellant(s)

VERSUS

MAZHAR KHAN @ PAPPU & ORS. Respondent(s)

WITH

CONTEMPT PETITION (C) NO. 890 OF 2017
IN
CIVIL APPEAL NO. 25 OF 2017

O R D E R

1. Heard the learned counsel appearing on both sides.
2. Though the learned counsel on both sides have made a persuasive attempt to go into the disputed questions of fact, we are not inclined to go into that at this stage.
3. By our judgment dated 02.01.2017, we directed the Civil Judge (Senior Division), Lucknow, to dispose of Regular Suit No. 1563 of 2014 within a period of six months. The Civil Judge (Senior Division) has submitted a letter dated 15.07.2017 stating that the Regular Suit could not be disposed of on account of several applications filed, either by the plaintiffs or somebody on their behalf or by the defendants, as the case may be.

4. Be that as it may, on a specific query, it has now come out that the respondents herein namely, Mazhar Khan and Ors. have not constructed any of the 16 flats. Those 16 flats have been constructed only by Respondent Nos. 6 to 8 in Civil Appeal No. 25 of 2017. Therefore, it is clarified that there shall be no interference with the peaceful enjoyment of those 16 flats by Respondent Nos. 6 to 8 in the civil appeal.

5. Respondent Nos. 6 to 8 or the authority shall not interfere with the house which is said to be in possession of Respondent No. 1 (plaintiff) pending the suit.

6. Our order dated 02.01.2017 regarding status quo will stand clarified as above.

7. We make it clear that further modification of the interim arrangement we have made above, will depend upon the outcome of the suit. We direct the Civil Judge (Senior Division), Lucknow, not to entertain any application in the suit without the party obtaining such permission from this Court for filing the application before him.

8. Needless to say that this shall not stand in the way of the parties to the suit to complete the pleadings.

9. Time for disposal of the suit is granted upto 30.11.2017.

In view of the above, I.A.Nos. 2 and 3 of 2017 are disposed of.

In view of the order passed above, we do not think it necessary to pass any further orders in the contempt petition. The Contempt Petition is, accordingly, dismissed.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
July 19, 2017.

ITEM NO.7

COURT NO.6

SECTION III-A

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

I.A.Nos. 2 and 3 of 2017
IN
Civil Appeal No(s). 25/2017

LUCKNOW DEVELOPMENT AUTHORITY

Appellant(s)

VERSUS

MAZHAR KHAN @ PAPPU . & ORS.

Respondent(s)

(APPLICATION FOR RECALLING THE COURTS ORDER DATED 16.12.2016 AND
EXEMPTION FROM FILING O.T.)

WITH

CONMT.PET.(C) No. 890/2017 In C.A. No. 25/2017

Date : 19-07-2017 These matters were called on for hearing today.

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

Counsel for the
parties

Dr. A. Francis Julina, Sr. Adv.
Mr. Danish Zubair Khan, AOR
Mr. Manish Choudhary, Adv.
Mr. Antony R. Julian, Adv.
Mr. Ubaid Ul Husan Khan, Adv.

Mr. Sudeep Seth, Adv.
Ms. Ranjeeta Rohatgi, AOR

Mr. M. C. Dhingra, AOR

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

I.A.Nos. 2 and 3 of 2017 are disposed of and the contempt
petition is dismissed in terms of the signed order.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)