

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9092 OF 2017
(Arising out of SLP(C) No.29094 of 2015)

TAHERABANU ASHRAFKHAN PATHAN

APPELLANT (s)

VERSUS

IMTSONS INVESTMENT LTD. & ORS.

RESPONDENT (s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The High Court has passed an order that the doctrine of *lis pendens* will apply during the pendency of the appeal. It is but natural that the doctrine of *lis pendens* will apply.

Learned counsel for the appellant says that notwithstanding the above, huge constructions are being made by the respondent. Therefore, if the appellant succeeds in the appeal pending in the High Court, the situation may become irretrievable. The photographs of the constructions have been shown and it is admitted by learned counsel for the appellant that the constructions have been made. In our view, the constructions have been made and which will defeat the rights of the appellant in the High Court. Under the circumstances, we modify the

interim order and while upholding that the doctrine of *lis pendens* will apply, we direct the parties to maintain *status quo* with regard to construction on the property in dispute.

The appeal stands disposed of.

Pending application, if any, also stands disposed of.

.....J.
(MADAN B. LOKUR)

.....J.
(DEEPAK GUPTA)

NEW DELHI
JULY 14, 2017

ITEM NO.7

COURT NO.5

SECTION III

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

CIVIL APPEAL NO. 9092 OF 2017
(Arising out of SLP(C) No.29094 of 2015)

TAHERABANU ASHRAFKHAN PATHAN

Petitioner(s)

VERSUS

IMTSONS INVESTMENT LTD. & ORS.

Respondent(s)

(WITH APPLN.(S) FOR EXEMPTION FROM FILING O.T. ON IA 2/2017)

Date : 14-07-2017 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Vikas Singh, Sr. Adv.
Mr. Ajay Sharma, AOR
Mr. Sanjeev Kumar, Adv.
Ms. Neelam Sharma, Adv.
Mr. Gopi Chand, Adv.

For Respondent(s) Mr. Rajiv Kumar, Adv.
Ms. Kusum Chaudhary, AOR

Mr. Sarvam Ritam Khare, AOR

Mr. R.N. Singh, Adv.
Mr. Rameshwar Prasad Goyal, AOR

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

Leave granted.

The appeal stands disposed of in terms of the signed
order.

Pending application, if any, also stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SHARDA KAPOOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)