

ITEM NO.40

COURT NO.6

SECTION IX

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). 31366/2017
(Arising out of impugned final judgment and order dated 14-08-2017
in SA No. 139/2003 passed by the High Court Of Judicature at Bombay
At Nagpur)

SYED GURFAN

Petitioner(s)

VERSUS

REKHA RAMDAS PANDE & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.125837/2017-PERMISSION TO FILE
ADDITIONAL DOCUMENTS)

Date : 24-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr.Satyajit A Desai, Adv.
Ms.Anagha S. Desai, AOR

For Respondent(s)

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

Insofar as the finding that the respondent herein
is the absolute owner of the disputed property is
concerned, it is a finding of fact which has been
rendered by all the three courts below and, therefore,
it does not call for any interference.

At this state, learned counsel for the petitioner
submitted that the petitioner had purchased the
property in question in auction by paying a
consideration of Rs.40,000/- (Rs.forty thousand) and
the trial court has directed for refund of the said
consideration. However, the first appellate court has
set aside that part of the order, as a whole, without
giving any reasons.

We find that insofar as the High Court is concerned, it has not addressed this issue even when it was specifically raised. In these circumstances, we permit the petitioner to approach the High Court again on this aspect alone.

With the aforesaid observation, the special leave petition stands disposed of.

(ASHOK RAJ SINGH)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER