

ITEM NO.32

COURT NO.2

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). 6444/2017

(Arising out of impugned final judgment and order dated 08/02/2017 in AFO No. 265/2016 passed by the High Court of Gujarat at Ahmedabad)

RABARI NAGJIBHAI MANEKLAL

Petitioner(s)

VERSUS

NILAMBEN UPENDRABHAI SHAH & ORS

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned judgment and exemption from filing O.T.)

Date : 27/02/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Harin P. Raval, Sr. Adv.
Mr. Abhimanue Shrestha, AOR
Mr. Jayarukush I. Umit, Adv.
Mr. Pranab Prakash, Adv.
Mr. Animesh Rastogi, Adv.
Mr. Nipun Saxena, Adv.

Mr. Shailesh Madiyal, AOR

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. Nikhil Goel, AOR
Mr. U.D. Shukla, Adv.
Mr. Manav Mehta, Adv.
Ms. Naveen Goel, Adv.

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

Heard Mr. Harin P. Raval, learned senior counsel appearing for the petitioner and Mr. Shyam Divan, learned senior counsel appearing for the respondent.

Having heard learned counsel for the parties and considering the impugned order passed by the trial Court as well as the High

Court, we are inclined to direct as follows :-

- a) Neither the plaintiff nor any person engaged by him nor the respondents or any person engaged by them shall enter into the suit land.
- b) The learned trial Judge shall appoint a Receiver in respect of the suit property.
- c) The Receiver shall take over possession of the property immediately after his appointment.
- d) Neither of the parties shall in any manner deal with the property, that is to say, transfer in any manner whatsoever.
- e) The trial Judge shall dispose of the suit pending before him within six months hence.

The aforesaid order is passed without prejudice to the contentions that have been raised in the suit. The learned trial Judge, while disposing of the suit shall not be influenced by any of the observations made by it in the interim order or the order that has been passed by the High Court or our present order.

With the aforesaid observations and directions, the special leave petition is disposed of. There shall be no order as to costs.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master