

ITEM NO.16

COURT NO.16

SECTION XIV

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). 4956/2020

(Arising out of impugned final judgment and order dated 15-11-2019 in RSA No. 184/2012 passed by the Gauhati High Court)

DWIJAMONI SINGH

Petitioner(s)

VERSUS

AMAL PAUL CHOUDHURY

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 06-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE INDU MALHOTRA

HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Parminder Singh Bhullar, AOR

For Respondent(s)

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

Learned counsel for the petitioner/defendant submits that his client purchased land admeasuring 19 kathas 10 chataks vide a registered sale deed dated 01.03.2000. The respondent/plaintiff filed a suit for declaration, possession and injunction before the trial court inter alia seeking declaration of title and possession of suit property admeasuring 7 kathas 10 chataks, and cancellation of the sale deed with respect to this property in favour of the petitioner/defendant. The suit was decreed in favour of the respondent/plaintiff vide order dated 09.08.2010 passed by the trial court with respect to 7 kathas 10 chataks, which was confirmed by the first Appellate Court and the High Court.

The learned counsel for the petitioner/defendant however submits that the trial court could not have directed cancellation of the sale deed with respect to the remaining land i.e. 12 kathas with respect to which there was no relief sought by the respondent/plaintiff. In view of the aforesaid, counsel for the petitioner/defendant seeks to withdraw the SLP, and file a review petition before the High Court.

The Special Leave Petition is accordingly dismissed as withdrawn.

(SUSHMA KUMARI BAJAJ)
SENIOR PERSONAL ASSISTANT

(VIJAY KUMAR)
BRANCH OFFICER