

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).19997/2013  
(From the judgement and order dated 28/01/2013 in FA No.392/2012  
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

HARBAL

Petitioner(s)

VERSUS

RAMVEER & ORS.  
(WITH OFFICE REPORT)

Respondent(s)

Date: 28/06/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK  
HON'BLE MR. JUSTICE RANJAN GOGOI  
(VACATION BENCH)

For Petitioner(s) Mr. Kedar Nath Tripathy, Adv.

For Respondent(s)

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

By the impugned order passed in First Appeal No. 392 of 2012 against a decree of dismissal passed by the Trial Court, the High Court has declined to grant interim relief saying that no stay is passed as the Suit has been dismissed.

On our query made to the learned counsel for the petitioner on 26th June, 2013 whether an application for stay or an application for temporary injunction was filed before the High Court along with the First Appeal, learned counsel for the petitioner, on instructions, submitted that the application for stay and application for injunction has been filed before the High Court for temporary relief. If that be so, then we think that the High Court is right in rejecting the application for stay because any stay order against the decree of dismissal passed by the Trial Court would not give any benefit to the applicant and the application for stay was entirely misconceived.

We, however, observe that in case the petitioner files, within two weeks from today, an application for temporary injunction in the First Appeal afresh, the High Court will consider the same as early as possible and pass orders.

The order passed on 26th June, 2013 by us directing that no third party rights will be created in respect of the disputed property, will continue to be in force.

The S.L.P. stands disposed of accordingly.

| (G. SUDHAKARA RAO)  
| COURT MASTER

| | (SHARDA KAPOOR)  
| | COURT MASTER