

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.25 OF 2017

[ARISING FROM SPECIAL LEAVE PETITION (C) NO.34442 OF 2016]

LUCKNOW DEVELOPMENT AUTHORITY

APPELLANT (S)

VERSUS

MAZHAR KHAN @ PAPPU AND ORS.

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. In the nature of order we propose to pass in this case, it is not necessary to go into the various submissions made by the learned counsel on both the sides.
3. The appellant is aggrieved by the interim order passed by the High Court in a petition under Article 226 of the Constitution of India arising out of an interlocutory order passed by the Trial Court. The High Court took note of the fact that Regular Suit No.1563 of 2014 was pending before the Civil Judge

(Senior Division) Lucknow and the interlocutory application for temporary injunction in the said suit for permanent injunction had already been fixed for 6.7.2016. In that view of the matter, by the impugned order dated 15.06.2016, the High Court clarified that the possession of the property, allegedly with the respondents, shall not be disturbed. There is a strong dispute now raised by the appellant-Authority that the respondents are not in possession but the possession has long been with the appellant-Authority. Since, the civil suit itself is of the year 2014, we direct the Civil Judge (Senior Division), Lucknow to dispose of the Regular Suit No.1563 of 2014 expeditiously and at any rate within a period of six months from today.

4. We direct both the sides to cooperate with the disposal of the case, as above.

5. Till the suit is disposed of, status quo with regard to possession of the property in question shall be maintained by the parties.

6. Needless also to say that the said suit will be tried and disposed of uninfluenced by any of the observations contained in the impugned order.

7. With the above observations and directions, the appeal stands disposed of.

8. Pending applications, if any, stand disposed of.

9. There shall be no order as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
JANUARY 02, 2017.



JUDGMENT