

(2010) 09 SC CK 0082

In the Supreme Court Of India

Case No : Petition's for Special Leave to Appeal (Civil) No's. 27466-27467 of 2010

Ramesh Chandra Tripathi

APPELLANT

Vs

Sunni Cen. Board of Wakfs and Others

RESPONDENT

Date of Decision : 23-09-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 89

Citation : (2010) 09 SC CK 0082

Hon'ble Judges : R. V. Raveendran, J;H. L. Gokhale, J

Bench : Division Bench

Advocate : Mukul Rohtagi, Sunil Kumar Jain and Aneesh Mittal, for the Appellant; Anoop G. Choudhury Shakil Ahmad Syed, Mohd. Moonis Abbasi, Shuabuddin for Respt. 1, 5, Ravi Shankar Prasad, P.S. Narsimha, Anish Kumar Gupta and Deep Shikha Bharati for Respt. No. 20, for the Respondent

Final Decision : Dismissed

Judgement

1. Taken on board.
2. Heard Shri Mukul Rohtagi, learned senior counsel for the petitioner and Shri Anoop G. Choudhury, learned senior counsel for respondents 1 and 5 and Shri Ravi Shankar Prasad, learned senior counsel for respondent No.20.
3. The petition for special leave is filed against an order rejecting an application u/s 89 of the C.P.C. filed by the petitioner before the Allahabad High Court to defer the judgment and refer the matter to mediation.
4. One of the members of this Bench is of the view that SLP should be dismissed having regard to the fact that the matter is already reserved for judgment to be pronounced tomorrow. Another member of the Bench is of the view that notice should be issued and an interim order be issued.
5. The tradition of this court has been that even if one of the members of the Bench feels that notice to be issued, notice will be issued, though the other

member is not in favour of it.

6. In view of it, issue notice. Dasti in addition. There shall be interim stay of further proceeding in the suit O.O.S.No. 4 OF 1989 and connected suits and pronouncement of judgment, till further orders.

7. List the matter on 28.9.2010.

8. Let the notice be issued to the Attorney General to assist the Court on that day.

9. In view of the difference, place the matter before the Hon'ble Chief Justice, for constituting a Larger Bench.