

Balvant Singh Vs. Jageshwar Singh

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Court : Madhya Pradesh

Decided On : Oct-16-2012

Appellant : Balvant Singh

Respondent : Jageshwar Singh

Advocate for Def. : Shri. D.P.Patel

Advocate for Pet/Ap. : Smt. Alka Singh

Judgement :

W.P.No.341/2009 16.10.2012 Smt.

Alka Singh, learned counsel for the petitioners. Shri D.P.Patel, learned counsel for the respondent.

Although this matter is listed today for consideration of IA No.6650/09, respondent's application for vacating the ex parte stay granted earlier but the petitioners.counsel seeks short adjournment for further preparation of the matter to make her submission in the matter.

Respondent's counsel has seriously opposed the adjournment saying that on some earlier occasion the Coordinate Bench of this court has directed to list this matter for final hearing in the month of February 2010, vide order dated 9.12.2009.

On perusing such order sheet, I have found that while disposing of the application of the respondent for vacating exparte stay such direction was given by the Coordinate Bench of this court and in such premises, the aforesaid second application, i.e. IA No.6650/09 for vacating exparte stay is not sustainable as laid down by the Apex Court in the matter of Satyadhyan Ghosal and others versus Smt.

Deorajin Debi and another reported in AIR 196.SC 941.

So such IA is hereby dismissed.

However, keeping in view the order dated 9.12.2009, office is directed to list this matter by fixing a date on any Tuesday or on Thursday in the month of November or December 2012 for final argument.

The interim order passed on 4.6.2009 is hereby continued till next hearing of this petition.

(U.C.Maheshwari) Judge bks

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