

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.690 of 1998

IN

First Appeal No. 174 of 73

- =====
- 1(i) Mossmat Annpurna Devi, wife of Late Umleshwar Ojha
(ii) Ajay Ojha, son of late Umleshwar Ojha, both residents of village Sahjauli, P.S. and P.O. Shahpur, District- Bhojpur
2. Dinesh Kr. Ojha
3. Sanjay Kr. Ojha, Both sons of Late Sita Ram Ojha, residents of village- Sahjauli, P.S. Sahpur, District- Bhojpur

.... Defendants/Appellants

Versus

- 1(i) Ram Sakho Devi, wife of Late Ram Pravesh Ojha
(ii) Harihar Ojha, son of late Ram Pravesh Ojha
(iii) Satya Narayan Ojha, son of late Ram Pravesh Ojha
(iv) Manorma Devi, daughter of late Ram Pravesh Ojha
All residents of village Sahjauli, P.O. & P.S. Shahpur, District Bhojpur, Bihar
2. Sri Rama Nand Ojha, Son of late Raghubanzh Ojha, resident at Village Sahjauli, P.S. Shahpur, District- Bhojpur
- 3(i) Smt. Maya Devi, wife of Late Shiv Narayan Ojha
(ii) Munna Ojha, S/o Late Shiv Narayan Ojha
(iii) Pinku Ojha, Son of Late Shiv Narayan Ojha
(iv) Dilip Ojha, son of Late Shiv Narayan Ojha (minor)
(v) Vivek Ojha, Son of Late Shiv Narayan Ojha, Residents at village Shahjauli, P.S. Shahpur, District- Bhojpur
4. Smt. Ram Dulari Devi, wife of Shri Shesh Narayan Tiwary, resident of village- Piyania, P.S. Udwant Nagar, District- Bhojpur
- 5.(i) Ramesh Ojha, son of Late Bala Ojha
(ii) Indumati Devi, wife of Raj Behari Ojha and daughter of Late Bala Ojha
Residents of village Dhan Chapra, P.O. Brahmpur, District- Buxar
(iii) Kumkum Devi, wife of Kedar Nath Misir and daughter of Late Bala Ojha
Residents of village Sonefarsha, P.O. Sahpur, District- Bhojpur
(iv) Shobha Kumari, daughter of Late Bala Ojha
Resident of village Sahjauli, P.S. Shahpur, District- Bhojpur
- 6.(i) Mossmat Kusum Devi, wife of Late Janardan Ojha
(ii) Dilip Kumar Ojha, son of Late Janardan Ojha
(iii) Manoj Kumar Ojha, son of Late Janardan Ojha
All residents of village Sahjauli, P.S. Shahpur, District- Bhojpur
- 7 . Sri SriRam Ojha
Son of Late Sukhpal Ojha, Resident of village Sahjauli, P.S. Shahpur, District- Bhojpur
8. Smt. Lahasia Devi, wife of Dhaneshwar Mishra, Resident of village Tataria, P.S. Ara, Muffasil, District- Bhojpur
9. Smt. Maina Devi, wife of Dinesh Kumar Tiwary, village Maulki, P.S. Millki, District- Bhojpur
10. Sri Dasharath Ojha
11. Sri Bharat Ojha
12. Dhawarika Ojha, All sons of Late Basudeo Ojha, Resident of village Sahjauli, P.S. Shahpur, District- Bhojpur
13. Smt. Darbi Devi, wife of Ramadhar Pandey, Resident of village Dharpura, P.S.

- Ara, Muffasil, District- Bhojpur
14. Smt. Sonia Devi, wife of Ambika Pandey, resident of Dharampura, P.S. Arrah, Muffasil, District- Bhojpur
15. Smt. Purani Devi, wife of Daya Nand Pandey, resident of village P.O. Sandia, P.S. Arrah Muffasil, District- Bhojpur
16. Smt. Dharamshila, wife of Mahendra Tiwary, village & P.O. Babura, P.S. Barhara, District- Bhojpur
17. Kapildeo Ojha
18. Balram Ojha
19. HareRam Ojha,
20. Phuleshwari, Daughter of Late Ayodhaya Ojha, and wife of Bindhyachal Choubey, village- Sikariya, P.S. Shahpur, District- Bhojpur
21. Ramawati Devi, wife of Sudarshan Pandey, village Dharampur, P.O. Dhamar, District- Bhojpur
22. Bhuneshari Devi, wife of Ramavatar Tiwary, village & P.O. Charget, District- Bhojpur
23. Shiva Nand Mishra, son of Late Sidhnath Mishra
24. (i) Mossmat Manju Devi, W/o late Shashi Bhushan Mishra
(ii) Sonu @ Aditya (minor), son of late Shashi Bhushan Mishra, under guardianship of his mother Most. Manju Devi
(iii) Monu @ Ashish (minor) son of late Shashi Bhushan Mishra, under guardianship of his mother Most. Manju Devi, All resident of village- Tetaria, P.S. Arrah, P.O. Salempur, District- Bhojpur
25. Kaushalya Devi, wife of Ramjag Pathak, Resident of village Chandrapura, P.O. Chandrapura, P.S. Brahampur, District- Bhojpur
26. Seth Nath Pathak, son of Ramjag Pathak, resident of village Chandra pura, P.O. Chandrapura, P.S. Brahampur, District- Bhojpur
27. Niti Kumari, daughter of Ramjag Pathak, resident of village Chandrapura, P.O. Chandrapura, P.S. Brahampur, District- Bhojpur
28. Urmila Devi, wife of Krishna Ballabh Mishra, Resident of village & P.O. Bharamauwalli, P.S. Sahrpur
29. Asha Devi, wife of Munna Mishra, resident of village- Bharauli, P.O. Bharawali, P.S. Sahrpur, District- Bhojpur
30. (i) Most. Ramraji Kunwar (Widow)
(ii) Sulakshni Devi (daughter) Wife of Surendra Tiwari, Village- Chitkundi, P.O. Bibiganj, District – Bhojpur
(iii) Sugeshri Devi @ Indua (daughter) Wife of Laxuman Ray, Village Bhoranpur, P.O. Umraoganj, Distt- Bhojpur
(iv) Mira Devi (daughter) Wife of Kamlesh Pandey, Village- Bhakura, P.O. Buxar, Distt- Buxar
(v) Lilawati Devi (daughter) wife of Rama Shankar Pandey, Village- Gayghat, P.O. Bhahimpur, District- Buxar.
31. Custodian Central India, New Delhi
32. Mohammad Yasin
33. Jaibunissa, wife of Mohammad Abdul Hamid and daughter of Mohammad Rukumuddin, resident of village Suhian at present resident of Allahabad Near Contonment House, B.I. Bazar, Allahabad (U.P.)
34. Mohammad Samim, son of Mohammad Nasim (deceased)
35. (i) Md. Sahnawaz, son of late Mohammad Sadique,
36. Mohammad Sahid, (minor) under the guardianship of Sri Rana Ranpal Singh, Advocate appointed GAI., both residents of Jhansi, near cantonment Market, Sadar Bazar, Jhansi (U.P.)

37. Anisha Begum, daughter of Mohammad Nasim, under the guardianship of Sri Rana Ranpal Singh, Advocate appointed GAI., resident of Jhansi, near cantonment Market, Sadar Bazar, Jhansi (U.P.)
- 38(i) Azizul Islam, husband of Late Ayesha
(ii) Mohammad Aamir, son of Late Ayesha
(iii) Mohammad Imran, son of Late Ayesha
(iv) Shama Islam, daughter of Late Ayesha, All residents of House No.520, Jhanshi, Cantonment Market, Sadar Bazar, Jhanshi (U.P.)
39. Nakiss (Minor) under the guardianship of Sri Rana Ranpal Singh, Advocate appointed GAI., resident of Jhansi, near cantonment Market, Sadar Bazar, Jhansi (U.P.)
- 40.(i) Anisha Begum
(ii) Rehana, both daughters of late Kabir Hasan
(iii) Jahir
(iv) Jaffar Ekbal, both sons of late Kabir Hasan, residents of Jhansi, near cantonment market, Sadar Bazar, Jhansi (U.P.)
41. Sagir Hasan, son of Mohammad Nayas Ali, deceased, by Caste Musalman, by occupation Business, resident of village Suhian Pargana, P.S. Shahpur, at present residing at Jhanshi near cantonment Market, House No.520 Sadar Bazar, Jhansi
42. Managing Officer-Cum-Assistant Custodian, Evacuee property, Bihar and Orissa old Secretariate, Patna
- 43.(i) Ram Narayan Ojha
(ii) Ram Chandra Ojha
(iii) Deo Narayan Ojha, All sons of late Ram Nigah Ojha
(iv) Dharamsheela Devi, daughter of late Ram Nigah Ojha, All residents of village Sahjauli, P.S. Shahpur, Distt- Bhojpur

.... Respondents

with

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Miscellaneous Jurisdiction Case No. 2320 of 1998

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Raghubansh Ojha (deceased through L.R.) and Others

.... Petitioners

Versus

Sukhpal Ojha (deceased through L.R.) and Others

.... Respondents

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Appearance :
(In LPA No. 690 of 1998)

For the Appellants: Shri K.N. Choubey, Sr. Adv.
Shri Ashok Kumar, Adv.
Shri Sushil Kumar Ojha, Adv.

For the Respondents: Shri Ganpati Trivedi, Sr. Adv.
Shri Raju Giri, Adv.
Shri R.K. Sinha-2, Adv.

(In MJC No. 2320 of 1998)

For the petitioners: Shri K.N. Choubey, Sr. Adv.

Shri Ashok Kumar, Adv.
Shri Sushil Kumar Ojha, Adv.

For the Respondents:

Shri Ganpati Trivedi, Sr. Adv.
Shri Raju Giri, Adv.
Shri R.K. Sinha-2, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN
C.A.V. JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 08-05-2015

The 1st set of defendants in Title Suit No.35/1964/3/1972, on the file of 1st Additional Subordinate Judge, Ara, District- Bhojpur, are the appellants in this Letters Patent Appeal.

The original plaintiff in the suit was the paternal grandfather of respondents 1 to 3 herein. One Smt. Ramdulari Devi, originally figured as defendant in the suit. However, she was transposed as 2nd plaintiff in the suit. The respondents 6 to 49 are the legal representatives of the persons, who figured as other defendants in the suit. For the sake of convenience, the parties are being referred to, as arrayed in the suit.

The entire dispute is about the land which was originally owned by one Sri Noor Ali. Facts in brief are as under:

Noor Ali owned an extent of 20 acres 8 decimals



of land in Sahjauli and Suhia village, Shahpur P.S., District- Bhojpur. He had two sons by name Wali Raja and Ali Raja and a daughter, by name Bibi Jainub @ Turwa. Wali Raja had a son by name Rukmuddin and Hafijan Bibi was his daughter-in-law. Noor Ali died in the year 1917 and Wali Raja pre-deceased him. Thereafter, the property was being managed by Ali Raja, on behalf of himself and his sister Bibi Jainub @ Turwa. According to the Personal Law applicable to the family, Ali Raja is said to have been entitled to 8 Annas i.e. 50% share, Bibi Jainub @ Turwa, to the extent of 4 Annas i.e. 25%, and the legal heirs of Wali Raja, to the extent of 4 Annas i.e. 25%.

Ali Raja died in 1948. His son Nasim and his sister Hamida Begum entered into an agreement of sale on 20th January, 1953 in favour of the plaintiff for sale of their share in the property for a consideration of Rs.11,000.00 and an amount of Rs.600/- was paid as advance. Title Suit No.52 of 1955 was filed by the plaintiff against Nasim and others for relief of specific performance of agreement of sale, in the court of 1st Subordinate Judge, Arrah.

During the pendency of the suit, the four sons of Rukmuddin namely Salim, Amin, Yasim and Madin migrated to Pakistan. His daughter Bibi Jainub was in



India. Her husband Abdul Hamid wrote to the custodian under the Evacuee Properties Act (for short the Act) that the entire property was under the administration of Rukmuddin and the same deserves to be taken over as evacuee property. Acting on the same, the Custodian of evacuee property, 48th respondent herein, took over the properties in the year 1957. Therefore, the custodian as well as the person at whose instance the property was brought under the E.P. Act was impleaded as parties to the proceedings in the suit as well as F.A. No.364/57.

The trial court denied the relief of specific performance, but passed a decree for Rs.3000.00 towards refund of advance and damages. Not satisfied with the same, the plaintiff filed F.A. No.364 of 1957 before this Court.

A decree was passed in F.A. No.364/57 holding that the plaintiff is entitled for the relief of specific performance of the agreement of sale. So far as the plea raised by the Custodian and others based upon the provisions of the Act is concerned, it was left open to the plaintiff to institute proceedings in that behalf. It is in this context, that the plaintiff filed the present suit, being 35/1964 which was later on numbered as Suit No.3 of



1973, for the relief of declaration to the effect that the title over the 2/3rd share of property in KhataNo.54 of Village-Sahjauli vested in him and that the decision of the Assistant Custodian of the evacuee property dated 11.9.1956 bringing the property under the purview of the Act is illegal and non-binding on the plaintiffs. Relief of partition was also claimed. The Custodian sold about 10 acres of land under four documents dated 18.8.1952, 2.9.1958, 21.11.1958 and 23.8.1958 in the year 1958 in favour of some of the contesting defendants. Therefore, two plaintiffs claimed the relief of declaration to the effect that the defendants did not derive any right title and possession on the basis of the sale-deeds executed by the Custodian in the year 1958. It has already been mentioned that One Smt. Radhika Devi, who too entered into some agreement for purchase of some of the property along with the plaintiffs, figured, initially as defendant, and later on she was transposed as one of the plaintiffs.

The trial court dismissed the Title Suit No.35/1964 through a judgment dated 31.1.1973. Aggrieved by that, the plaintiffs filed F.A. No.174 of 1973. A learned single Judge of this Court allowed the Appeal, through judgment dated 9th April, 1998. Hence, this Letters

Patent Appeal by the contesting defendants.



Shri K.N. Choubey, learned counsel for the defendant/appellants submits that the suit was hopelessly barred by limitation, and though the suit was dismissed by the trial court, the learned single Judge allowed the Appeal ignoring such vital aspect. He contends that the so called agreement of sale dated 28th January, 1953 became inoperative, once the entire property was brought under the purview of the Act; and there was absolutely no basis for the learned single Judge in granting the reliefs prayed for in the suit. It is also urged that after the death of Wali Raja, the property was under the effective control, custody and enjoyment of his son Rukmuddin, and at no point of time Ali Raja or Bibi Jainub had any control over the property. He submits that the view taken by the learned single Judge that the Custodian did not have the jurisdiction to take over the property after 1957, is incorrect and that in the instant case the property stood vested in the Custodian by operation of Bihar Ordinance-III of 1949 and Central Ordinance No.XXVIII which later became the Act, and Section-7-A of the Act has no application in the facts of the case.

Sri Ganpati Trivedi, learned counsel for the



plaintiffs, on the other hand, submits that Rukmuddin did not inherit the property of late Noor Ali since Rukmuddin's father Wali Raja pre-deceased his father Noor Ali, and the question of the property being taken over under the Act or ordinance does not arise. He submits that the only basis for the Custodian to bring the property under the purview of the Act, was a letter addressed by the husband of Jaibunnisa, i.e. the daughter of Rukmuddin, and it is understandable as to how such an individual can make an effort to bring the property under the purview of the Custodian. He submits that the entire proceedings were managed to legalize an otherwise illegal sale effected by the legal heirs of Rukmuddin, in favour of the contesting defendants.

This Letters Patent Appeal is, in a way, the logical extension of the litigation that began in the year 1953 with the execution of agreement of sale in favour of the plaintiffs by Ali Raja. The execution of the agreement was proved in the title suit No.52 of 1955. However, it was held to be valid only to the extent of share of Ali Raja. In the light of the proceedings, said to have been initiated under the Act during the pendency of the suit vis-à-vis the land, the relief of specific performance was denied, but the one of refund of

the advance together with interest or damages, was granted.

In F.A. No.264 of 1957, this Court modified the decree to the one of specific performance, but left it open to the plaintiff, to work out his remedies vis-à-vis the Custodian of evacuee property. The subsequent suit which gave rise to the present Letters Patent Appeal i.e. 35 of 1964 (re-numbered as 3 of 1972) the entire controversy turned around the validity of the proceedings under the Act. The trial court framed the following issues for its consideration:-

1. Have the plaintiff any valid cause of action?
2. Is the suit, as framed, maintainable?
3. Is the suit barred by limitation?
4. Have the plaintiffs or their vendor any subsisting title and have they ever been in possession of the suit lands?
5. Have the plaintiffs unity of title and possession over the lands in suit?
6. Are the plaintiffs entitled to a decree for partition and for recovery of possession over 2/3rd share in the suit lands and mesne profits, as claimed?
7. Is the story of oral gift by Noor Ali in favour of Rukmuddin untrue?
8. Is the order of the Assistant Custodian in question illegal, void and without jurisdiction?
9. Is the suit barred by the Provisions of the Administration of Evacuee Property Act and this court has no jurisdiction to entertain the suit?
10. To what relief or reliefs, if any, are the plaintiffs entitled?

Fairly large number of witnesses were examined

and documents were filed. Since there is no practice of having an appendix of evidence at the end of the judgment in the State of Bihar, the same is not referred to with precision. The trial court dismissed the suit and in the Appeal a learned single Judge of this Court has decreed the suit as prayed for.

We are of the view that the following points arise for consideration in this Letters Patent Appeal:-

1) Whether the land left by late Noor Ali validly vested in the Custodian of the evacuee property, under the Act;

2) Whether the sale of the land in favour of the contesting defendants through sale deeds executed in their favour in the year 1958 by the Custodian is legal and valid; and

3) Whether the agreement of sale in favour of the plaintiffs got adversely affected in any way on account of the steps that have been taken under the Act.

Point No.1

During the partition of the country, on the eve of independence, quite large number of families migrated from



India to Pakistan and vice-versa. The administration of the properties left by such families became an important issue. Initially, the Government of India promulgated an ordinance providing for vesting of the properties left by the persons who migrated to Pakistan; in the Custodian of evacuee properties. Similar ordinance was issued by the State of Bihar. Thereafter, The evacuee Property Act has been enacted. The circumstances in which a property would become an evacuee property and the manner in which it must be administered are dealt with in detail under the Act as well as the Rules made thereunder.

The record discloses that no order, whatever, was passed in respect of the lands held by late Noor Ali under the Act. The contention of the contesting defendants was that the land vested in the Custodian, by operation of law, consequent on promulgation of ordinance; and no specific order in that behalf was necessary. It is difficult to accept such a broad and spacious plea. Even where the vesting takes place by operation of law, the particulars of the land must be available from certain record. The Clause in the ordinance or the Act that provides for vestiture, would only obviate the necessity to pass a specific order. However, the statutory vestiture does not take place in air or vacuum and

the enforcing agency is required to prepare the list of the properties that come under the purview of the law. Such an exercise is totally lacking in this case.

The first step taken by the authorities under the Act vis-à-vis the suit lands was in the year 1957. By that time Section-7A was added in the Act. That provision prohibited any more taking over of the properties under the Act. It is important to mention that even the steps taken by the Custodian were on the basis of a letter addressed by the husband of the daughter of Rukmuddin, son of Wali Raja, but not on the basis of any independent evaluation. The nature and extent of rights held by that person would be dealt with, in the subsequent paragraphs. Once it is evident that the steps under the Act in respect of the lands were taken subsequent to the inclusion of Section-7A, the entire exercise becomes untenable. The learned single Judge dealt with this aspect and has arrived at a just and correct conclusion. The relevant portions of the Judgment under appeal read as under:

“.....Section 8(2) of the Central Ordinance and Section 8(i)(a) of the Central Act are relevant only where a property is declared to be evacuee property. Section 8 of Central Ordinance No.XXVII of 1949 provides that any property declared to be evacuee property under Section 7 shall vest in the Custodian. Section 8(i)(a) of 1950 Act provides that any property declared to be evacuee property under Section 7 shall be deemed to have vested in the Custodian for the



State and under clause (a) of Section 8(1) in the case of the property of an evacuee as defined in sub-clause of clause (d) of Section 2, from the date on which he leaves or left any place in a State for any place outside the territories now forming part of India. Thus, it is apparent that declaration under Section 7 is a must before a property can be said to be an evacuee property. What is deemed is of its vesting after declaration, but there is no question of deemed declaration and/or vesting without declaration...”

“....Section 7-A clearly bars such a declaration after introduction of the said provision on 7.5.1954 and in the present case, Abdul Hai, husband of Bibi Jainubnissa filed a petition itself for such declaration much thereafter i.e. on 17.11.1955. Thus, the declaration made vide order passed by the Assistant Custodian, Arrah in Case No.41 of 1955 on 13.12.1955, in my opinion, is ultra vires section 7-A of the Central Act, which has overriding effect and no property could be validly declared to be evacuee property on or after 7th May, 1954.”

We are in agreement with those findings.

Though a plea as to the bar of suit for determination of this question was raised, it was not argued beyond a point and we are supported by a decision of the Supreme Court in this behalf. Therefore, we hold point No.1 in favour of the plaintiffs and against the defendants.

Point No.2

It has already been mentioned that the proceedings under the Act vis-à-vis lands were taken only on the basis of the letter addressed by one Abdul Hamid, son-in-law of Rukmuddin. Even if his letter is to be treated as for and on behalf of Bibi Jaibunnisa, it has to be



examined as to whether the said woman has any right vis-à-vis the property, and if so, the extent thereof. The two sons of Noor Ali, i.e. Ali Raja and Wali Raja, were entitled to inherit two major shares and his daughter Bibi Jaibunnisa was entitled to a minor share, in the event of his death. However, Wali Raja pre-deceased Noor Ali. The record discloses that the entire property was the self acquisition of Noor Ali. The contention of the appellants that the legal heirs of Wali Raja would be entitled to a minor share cannot be brushed aside. However, that acquisition becomes almost secondary since the agreement of sale in favour of the plaintiff was only in respect of 8 Annas i.e. 50% of share of Ali Raja and 4 Anna i.e. 25% share of Bibi Jaibunnisa (the second part, of course, was not accepted). The 4 Anna share, i.e. about 5 acres, remained as that of Rukmuddin and his legal heirs.

Rukmuddin had four sons and a daughter. In the event of partition amongst them, his daughter Bibi Jaibunnisa could have got a small piece of land, less than one acre in extent. His four sons i.e. Salim, Amin, Yasin and Madin, migrated to Pakistan. If at all anything, it is only the share of those four sons that can be the evacuee property. What Abdul Hamid i.e. the husband of Bibi

Jaibunnisa, however, informed the custodian was that the entire property left by Noor Ali is liable to be treated as evacuee property.

Firstly, nobody in his place would make an endeavour to bring the property under the purview of the Custodian and the efforts would be in the opposite direction, even where the Custodian moved against the property, on his own accord. Secondly, he was not entitled to represent the estate of Rukmuddin, or for that matter, the interests of his four brothers-in-law. Therefore, the very basis for the Custodian to proceed against the said land was shaky, and thereby the sale-deeds executed in favour of the contesting defendants are absolutely without any basis. At any rate, the Custodian was very much aware that the suit for specific performance was pending adjudication and the haste and the clandestine manner in which he sold the property was totally illegal. The evacuee properties, even where they in the State lawfully, are used to rehabilitate the persons who migrated to India from Pakistan, sale of such lands is almost unknown. The entire effort appears to be to confer title upon the persons, in whom the Abdul Hamid or his other family members were interested.

The record further discloses that the so called



control or management of the property by Rukmuddin was on the basis of a G.P.A. executed by the cousin brother Nasim, son of Ali Raja and not as an independent owner of the land. Assuming that Wali Raja was alive by the time Noor Ali died, Rukmuddin could not have succeeded to or administered the entire property to the exclusion of Ali Raja or Bibi Jainub. Hence, this point is answered in favour of the plaintiff and against the defendant/appellant.

Point No.3.

The answer to the third question is almost a sequel to the first two points. Once it has emerged that the entire proceedings initiated vis-à-vis the land under the Act are vitiated, and *ultra vires* Section-7A of the Act and there did not exist any factual basis also, for taking over the property, much less to sell the same to the contesting defendants, the rights of the plaintiffs under the agreement of sale as well as the decree passed by this Court for specific performance remain intact. It would entitle the plaintiff for all the reliefs, claimed in the suit and the Learned Single Judge has taken correct view of the matter.

We do not find any basis to interfere with the judgment and decree passed in F.A. No.364 of 1957. The Letters Patent Appeal is dismissed.

Interlocutory application, if any, stands disposed
of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
A.F.R.

M.J.C. No.2320 of 1998

M.J.C. is filed alleging that the respondents herein violated the order passed by this Court on 9.4.1998 passed in F.A. No.174 of 1973. Today itself we dismissed the L.P.A. through a judgment after hearing both the parties. We do not find any violation or contempt on part of the respondents. The M.J.C. is dismissed.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

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