

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4745 OF 2008
(Arising out of S.L.P.(C) No. 19451/2007)

M/S. SHIV SHANKAR RICE MILLS AND ANR. ... APPELLANT(S)

:VERSUS:

THE STATE BANK OF PATIALA AND ORS. ... RESPONDENT(S)

ORDER

Leave granted.

Heard the learned counsel for the parties.

In view of the statement made before us that the appellants have already deposited a sum of Rs.1,60,00,000/- (Rupees One Crore Sixty Lakhs) pursuant to the order passed by the Delhi High Court as also by this Court from time to time, we are of the opinion that the High Court was not correct in vacating the order of stay while admitting their writ petition.

In the proceedings we are not concerned with the merit of the matter as the same has to be gone into by the High Court.

The High Court while disposing of the writ petition may pass one order or the other; it may also adjust the equities but the very fact that the premises in question is a residential and commercial premises, over which the appellant is said to be in possession, we are of the opinion that interest of justice will be subserved if the appellant's possession is directed to be protected and the High Court is requested to hear out the writ petition at an early date, preferably within a period of three months from the date of communication of this order. It is ordered accordingly.

It is stated at the Bar that the respondents, including the added respondent, have already filed their counter affidavits.

The appeal is disposed of accordingly.

**.....J
(S.B. SINHA)**

**.....J
(CYRIAC JOSEPH)**

**NEW DELHI,
JULY 28, 2008.**