IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).513 OF 2015
(@ SLP(C)NO.34856 OF 2014)

NAUSHEEN RIYAZ AND ORS APPELLANT(S)

VERSUS

M/S ASIAN SECURITIES AND ESTATES LTD RESPONDENT(S)

WITH
CIVIL APPEAL NO(S).514 OF 2015
(@SLP(C) No. 36202/2014)

CIVIL APPEAL NO(S).515 OF 2015
(@SLP(C) No. 36208/2014)

O R D E R

Leave granted.

The appellants are aggrieved by the order dated 22.08.2014 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, in the Civil Miscellaneous Appeal No. 646 of 2014. Mr. Mohan Parasaran, learned senior counsel appearing for the appellants contends that while disposing of the appeal filed by the respondents herein, the High Court after hearing both the parties, while disposing of the appeal, accepted the contention raised by the appellants that no opportunity was given

for advancing arguments in the application filed for temporary injunction and set aside the order impugned

in the said appeal and remanded the matter back to the trial court to reconsider the same and for passing appropriate orders in accordance with law after hearing both sides. The High Court, while setting aside the order and remanding the matter back to the trial court, inter alia passed the following interim order:

> "3.....Till the matter is adjudicated, the parties shall maintain status quo for ingress and egress to the schedule lands from the land of plaintiffs and both parties shall abide by the clause 38 of the Development Agreement-cum-General Power of Attorney dated 22.01.2007, and the defendant is entitled to use the plaintiffs' land for ingress and egress to the subject matter of the land covered by the agreement as agreed in terms of the agreement."

The correctness of the aforesaid portion of the order is challenged by the appellants herein on various grounds. We need not advert to the same in this order particularly having regard to the submission made by learned senior counsel appearing for the appellants that a simple order of remand should have been passed by the High Court when it passed the aforesaid interim order. His submission is placed on record.

After taking into consideration the interim order supra and the submission made by learned senior counsel

for the appellants, we deem it just and proper to modify the said portion of the interim order while remanding the matter to the trial court for hearing the interlocutory application of temporary injunction afresh.

The appeals are disposed of with the aforesaid direction and observation.

.....J.

(V. GOPALA GOWDA)

.....J.
(R. BANUMATHI)

NEW DELHI,
JANUARY 16, 2015

ITEM NO.12 COURT NO.12 SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 34856/2014

(Arising out of impugned final judgment and order dated 22/08/2014 in CMA No. 646/2014 passed by the High Court Of Judicature At Hyderabad for the State Of Telangana and the State Of Andhra Pradesh)

NAUSHEEN RIYAZ AND ORS Petitioner(s)

VERSUS

M/S ASIAN SECURITIES AND ESTATES LTD Respondent(s)

WITH

SLP(C) No. 36202/2014
(With Interim Relief and Office Report)

SLP(C) No. 36208/2014
(With Interim Relief and Office Report)

Date : 16/01/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Mohan Parasaran, Sr. Adv.
Mr. Nikhil Swami, Adv.
Mr. Divya Swami, Adv.
Mrs. Prabha Swami,Adv.

For Respondent(s) Mr. K.V. Vishwanath, Sr. Adv.
Mr. Yogesh R., Adv.
Ms. Tatini Basu,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.

(VINOD KR.JHA)
COURT MASTER

(RENU DIWAN)
COURT MASTER

(Signed order is placed on the file)