

SUPREME COURT OF INDIA

Jala Bano

Vs.

State of J. and K."

Crl.A.No.20 of 1976

(Y. V. Chandrachud and V. R. Krishna Iyer, JJ.)

03.03.1976

ORDER:-

1. The appellants shall continue in possession of the disputed property as agents of the Nazir who has been appointed as a custodian by the criminal court under Section 145 of the Code of Criminal Procedure. The appellants agree and undertake to this Court that if their suits are dismissed by the trial Court, they shall hand over vacant and peaceful possession of the suit property to the Nazir who, in turn, shall hand over possession to respondent No. 2. We reserve liberty to the parties and to the Nazir to apply to the learned Magistrate for appropriate directions as and when necessary. The civil suit filed by the first appellant for establishing her title to the property shall be disposed of by the trial Court, as far as possible within four months from today. The civil Court in which the suit filed by the first appellant is pending shall, if necessary, allow the first appellant to amend the plaint so as to put the title in issue in the suit. With these observations, the appeal stands disposed of. The proceedings under Section 145, Code of Criminal Procedure, shall be treated as closed on the disposal of the two suits pending in the civil Court.

Disposed of accordingly.