

New India Steel Industries vs V.D. Steel Industries And Anr. on 7 May, 1980

Equivalent citations: AIR1980SC1706, (1981)2SCC16, AIR 1980 SUPREME COURT 1706, 1981 (2) SCC 16, 1981 SCC (CRI) 305, 1981 SCC (L&S) 288

Author: R.S. Sarkaria

Bench: P.S. Kailasam, R.S. Sarkaria

JUDGMENT

R.S. Sarkaria, J.

After hearing Counsel for the parties we allow C.M.P. No. 6495 of 1980 for the revocation of Special Leave Petition granted as per this Court's Order dated 12th December, 1979. There are two facts which stand out. Firstly, the appellant had made a misstatement of material fact that the proclamation of sale did not contain any note that the property was being sold subject to the mortgage charge of Rs. 1,65,000/-. In fact such a note does exist. Secondly, it misconducted himself inasmuch as it published a public notice captioned as "Court Notice" on 12th April, 1980, as if that notice was being published under the Orders of this Court. For these two reasons we revoke the Special Leave Petition granted earlier and dismiss the appeal arising out of that S.L.P. The stay already granted automatically stands vacated.