

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.1827/2002

(From the Judgment and Order dated 17/7/2001 in SJ 787/99 in
SS 2340/99 of The HIGH COURT OF JUDICATURE AT BOMBAY)

KHEEMCHAND JAIN

Petitioner (s)

VERSUS

M/S. NAHAR ENTERPRISES
(For Final Disposal)

Respondent (s)

Date : 07/03/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Harish J. Jhaveri, Adv.

For Respondent (s)

Mr. V.J. Francis, Adv.
Mr. P.I. Jose, Adv.
Mr. A. Radhakrishnan, Adv.
Mr. Jenis, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Heard learned counsel for the parties for 10
minutes.

The special leave petition is disposed of in terms
of the signed order.

.SP1

Sarita

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.1827/2002@@
CC

KHEEMCHAND JAIN

...APPELLANT

VERSUS

M/S. NAHAR ENTERPRISES

... RESPONDENT

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

On 11.2.2002, while issuing notice, this Court passed the following Order :

.....L....I....T.....T.....T.....T.....T.....T...J
.SP1

"Issue notice for final disposal requiring the respondent to show cause why the respondent be not put on terms as to deposit of Rs.25,13,000/- as a condition precedent for grant of leave to depend?"

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

At the hearing today the learned counsel for the petitioner pointed out to the counter affidavit filed by the respondent and in particular, drew our attention to paragraph 4 of the said affidavit to state that the respondent has already paid the said amount of Rs.25,13,000/- to the petitioner. In view of this statement, nothing more is required to be done in this petition. Learned counsel for the respondent, however, states that the respondent wants to raise an issue before the Trial Court that the suit itself has ..2/-

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become infructuous. We are told that the written statement has not yet been filed. That be so, it is open to the respondent to file the written statement and raise all pleas that are available in law.

With the abovesaid observation, the special leave petition stands disposed of.

.SP1

.....J.
(Shivaraj V. Patil)

New Delhi,
March 7, 2003.

.....J.
(Arijit Pasayat)