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C.A.No. 7446 OF 1997

ITEM No. 108

Court No. 10

SECTION XIV

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

Civil Appeal No. 7446 of 1997

M.C.D. Appellant (s)

VERSUS

R.A. BHUJWALA & ORS. Respondent (s)

(With office report)

Date : 10/09/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Ms. Indra Sawhney,Adv.

For Respondent (s)Mr. K.K. Gupta,Adv.

Mr. Sudhir Nandrajog,Adv.

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

Heard the learned counsel for the parties for a while.

The civil appeal is disposed of as having become infructuous.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7446 OF 1997

M.C.D. ...Appellant(s)

Versus

R.A. Bhujwala & Ors. ...Respondent(s)

O R D E R

When the appeal was taken up for hearing, the learned counsel for Respondent Nos.1 to 3 submitted that the impugned order is an interim order arising out of Suit No. 2116 of 1994 and that the original suit has been dismissed as withdrawn in the year 2000; this being the position, the appeal does not survive for consideration. In other words, it has become infructuous. The learned counsel for the appellant states that she is not aware of the withdrawal of the suit and needs some time to take instructions in this regard. We do not think it is necessary to adjourn the appeal. We place the statement of the learned counsel for Respondent Nos.1 to 3 on record and dispose of the appeal as having become infructuous.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]
New Delhi,
September 10, 2003.