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SLP(C)No. 1322 OF 2003

ITEM No.50

Court No. 10

SECTION IVA
A/N MATTER

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 (Civil) No.1322/2003

(From the judgement and order dated 28/11/2002 in IA 1/2002
in CRP No. 2664/2002 of The HIGH COURT OF KARNATAKA AT BANGALORE)

S.G. ACHARYA & ANR.

Petitioner (s)

VERSUS

BHARAT PETROLEUM CORPN. LTD. & ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 25/08/2003 This Petition was called on for hearing today.

CORAM :

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

For Petitioner (s)Mr. G.V. Chandrasekhar,Adv.
Mr. P.P. Singh,Adv.

For Respondent (s)Mr. Arvind Savant,Sr.Adv.
Mr. Parijat Sinha,Adv.

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

Heard learned counsel for the parties for a while.

Leave granted.

The civil appeal is allowed.

No costs.

[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. 6660 OF 2003
(Arising out of S.L.P. (C) No. 1322 of 2003)

S.G. Acharya & Anr. ...Appellant(s)

Versus

Bharat Petroleum Corpn. Ltd. & Ors. ...Respondent(s)

O R D E R

Leave granted.

The impugned order cannot be sustained on the short ground that the revision petition filed before the High Court was not maintainable and that position is clear by the recent judgement of this Court in the case of Shiv Shakti Cooperating Housing Society, Nagpur vs. M/s. Swaraj Developers & Ors. (2003 (4) SCALE 241 = 2003 (4) J.T. 255). In this view of the matter, the civil appeal is allowed and the order under challenge is set aside.

We, however, make it clear that setting aside of this impugned order will not come in the way of the respondents to adopt such course, as is available to them in law.

No costs.

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

.....J.
[D.M. DHARMADHIKARI]
New Delhi,
August 25, 2003.