

C.A.No. 5400 OF 1997

ITEM No.120

Court No. 10

SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 5400 of 1997

AMRITSAR IMPROVEMENT TRUST

Appellant (s)

VERSUS

RACHPAL KAUR & ORS.Respondent (s)

(With office report)

Date : 06/08/2003 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)Mr. M.K. Dua,Adv.

For Respondent (s)Mr. A. Mariarputham,Adv.
Ms. Aruna Mathur,Adv.
Mr. Maninder Singh,Adv.

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

Heard learned counsel for the parties for a while.

The civil appeal is disposed of.

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. 5400 OF 1997

Amritsar Improvement Trust ...Appellant(s)

Versus

Rachpal Kaur & Ors. ...Respondent(s)

O R D E R

Heard the learned counsel for the parties.

This appeal is directed against an interim order passed by the High Court on 7th May, 1996 affirming the orders passed by the trial court as well as by the first appellate court in regard to an interim order. By the impugned order, the High Court also directed expeditious trial of the suit.

The learned counsel for the appellant contended that the trial court, the first appellate court as well as the High Court were wrong in granting interim order in favour of the respondent when the suit filed by the respondent itself was not maintainable on the face of it. The learned counsel also contended that the observations made in the impugned

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orders passed by the trial court and the first appellate court that the second suit was maintainable cannot be sustained. Both the courts were not justified in making such observations while passing the interim order when the main suit is pending trial. The learned counsel for the respondent, while stating that there is already a direction by the High Court to dispose of the suit expeditiously, submitted that it is not known whether the suit, by now, is disposed of.

Looking to the facts and circumstances of the case and the order under challenge, including the direction given for expeditious disposal of the suit, we are of the view that status quo existing as of today shall be maintained during the pendency of the suit and the suit shall be disposed of as expeditiously as possible, if it is not already disposed of. We also make it clear that the observations made as to the maintainability of the second suit by the trial court and the first appellate court are confined only for the purpose of the disposal of the application regarding grant of injunction. The suit shall be decided on its own merits on the basis of the evidence led and without being influenced by the observations made in the interim orders passed by the trial court and the first appellate court.

The appeal is disposed of in the above terms.

No costs.

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

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
August 06, 2003.