

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(s).4696/2006

(From the judgement and order dated 30/09/2005 in RFA No. 703/2005 of
the HIGH COURT OF DELHI AT NEW DELHI)

M/S. ALPS AASHI PVT. LTD.

Petitioner(s)

VERSUS

M/S. LUXOR WRITING INSTRUMENTS (P) LTD.

Respondent(s)

(With prayer for interim relief and office report)

Date: 23/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. Vijay Hansaria, Sr.Adv.

Mr. P.I. Jose,Adv.

Mr. Anupam Mishra,Adv.

Ms. Sneha Kalita,Adv.

Ms. Deepti,Adv.

For Respondent(s)

Mr. M.K. Dua,Adv.

Mr. D.D. Dayani, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Heard the learned counsel for the parties.

The impugned judgments are set aside and the appeal is
allowed. No costs.

(A.S. BISHT)

BHARDWAJ)

COURT MASTER

(PUSHAP LATA

COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 959 OF 2007

[Arising out of SLP(C) No.4696/2006]

M/S. ALPS AASHI PVT. LTD.
ANT

..... APPELL

(S)

:VERSUS:

O R D E R

Leave granted.

Having heard the learned counsel for the parties and in the facts and circumstances of this case, we are satisfied that a triable issue has been raised by the defendant-appellant and as such it ought to have been granted leave to defend. We are informed at the Bar that the appellant has already deposited 50% of the amount in question. Mr. Vijay Hansaria, learned senior counsel appearing on behalf of the appellant states that written statement shall be filed before the Trial Court within four weeks from date. The impugned judgments are set aside and the appeal is allowed. No costs.

.....J

(S.B. SINHA)

.....J

(MARKANDEY KATJU)

NEW DELHI,

FEBRUARY 23, 2007.