

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).3390/2007

(From the judgement and order dated 16/09/2006 in WP No. 6039/2003 of the
HIGH COURT OF KARNATAKA AT BANGALORE)

AHMED K. KHOJA

Petitioner(s)

VERSUS

RAHGUVEER & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 02/03/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s)

Mr. Rajinder Mathur,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

In the present case, we are of the view that the quest
ion of

maintainability of the suit will depend on adjudication of facts. It may even

require evidence to be recorded on the issue in question. The matter cannot

be decided by interim applications. We are informed that the trial court is still seized of the matter. In the circumstances, we are giving liberty to the petitioner to raise the question of maintainability before the trial court in the pending suit. The said issue will be decided along with all other issues. Any observation made in the impugned order shall not be treated as conclusive and binding on the trial court.

Subject to above, the Special Leave Petition is dismissed.

(N. Annapurna)
Court Master

(Madhu Saxena)
Court Master