

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).3014/2007

(From the judgement and order dated 01/12/2006 in CA No. 22891/2006 of The  
HIGH COURT OF GUJARAT AT AHMEDABAD)

NEW INDIA ASSURANCE CO. LTD.

Petitioner(s)

VERSUS

STATE TRADING CORP. OF INDIA LTD. & ANR.

Respondent(s)

(With appln(s) for modification of Court's Order, STAY OF THE IMPUGNED ORDER  
and prayer for interim relief )(for final disposal)

WITH SLP(C) NO. 3714 of 2007

(With appln(s) for stay of the impugned order and with prayer for interim relief and  
office report)(For final disposal)

Date: 17/04/2007 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. K.K.Venu Gopal, Sr. Adv.

Mr.Uday Umesh Lalit, Sr.Adv.

Mr.Atul Nanda, Adv.

Ms. Rameeza Hakeem, Adv.

Ms. Charu Singhal, Adv.

Mr.Rajesh Kumar, Adv. for

M/S Law Associates & Co.

For Respondent(s)

Mr. Shanti Bhushan, Sr. Adv.

Mr.Siddrath Singhla, Adv.

Ms. Bina Gupta,Adv.

Ms.Amrita Swarup, Adv.

Mrs Sweta Verma, Adv.

Mr.Siddharth Singhla, Adv.

Mr. Ejaz Maqbool, Adv.

Mr.Vikash Singh, Adv.

Ms.Taruna Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeals are disposed of in terms of the signed order.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2035 /2007

(Arising out of SLP(C) No.3014/2007)

New India Assuranc Co. Ltd.

...Appellant

Versus

State Trading Corpn. of India

...Respondent

Ltd. & Anr.

With

C.A.No..2036./2007(@ SLP(C) No.3714/2007)

ORDER

Leave granted.

Respondents in the respective appeals have sought to enforce their claim for damages allegedly suffered by them in the cyclone which took place in May, 2001, in a summary Suit filed in terms of Order XXXVII Rule 1 of the Civil Procedure Code.

The question which fell for consideration before the learned Trial Judge as also the High Court was as to whether the said Suit could have been filed under Order XXXVII of the Code of Civil Procedure based on 'liquidated demand' on account of loss quantum whereof could be determined by arithmetic calculation or not.

We have heard learned counsel for the parties at some length.

We feel, in the facts and circumstances of this case and, particularly, having regard to the fact that leave to defend the suit has already been granted subject of course to the condition of deposit of 50% of the suit amount, it may not be ultimately necessary for us to go into the said

question for the following reasons:

1. The parties hereto being Public Sector Undertakings,

imposition of such a condition per-se might not have been

appropriate.

2. Even if such condition could be imposed, the respondents

would not obtain immediate benefit therefrom and the

amount would lie deposited in the Court unnecessarily.

We are, thus, of the opinion that interest of justice

would be subserved if we remove the condition imposed

upon the appellant hereto, namely, to deposit 50% of the Suit

amount. A direction, however, is issued upon the learned

Trial Judge to dispose of the Suits as expeditiously as

possible and preferably within a period of four months from

the date of communication of this order. We, furthermore,

direct the parties to render all cooperation to the learned

Trial Judge for early disposal of the Suits.

Written statements may be filed by the appellant

within a period of four weeks from date.

We may further observe that the question of law

raised before us shall remain open.

With the aforesaid observations, the appeals are

disposed of.

.....J.

[ S.B. SINHA ]

.....

...J.

[ MARKANDEY ]

KATJU]

New Delhi,

April 17, 2007