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SLP(C)No. 1995 OF 2003
ITEM No.35

Court No. 4

SECTION XVIA

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.1995/2003

(From the judgment and order dated 01/11/02 in CWP 994/02 of the
High Court of Jammu & Kashmir at Jammu)

CONTINENTAL CONSTRUCTIONS LTD. & ANR.

Petitioner (s)

VERSUS

RAJKUMAR & ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for exemption from filing c/c of the impugned Judgment)

With

T.P.(C) No.84-86/2003 (with appln.(s) for ex-parte stay)

Date : 10/02/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)Mr. Harish N. Salve, Sr. Adv.
Mr. P. Chidambaram, Sr. Adv.
Mr. Dheeraj Nair, Adv.
Mr. Vikas Mehta, Adv.

Ms. Indu Malhotra, Adv.

For Respondent (s)Mr. P.P. Rao, Sr. Adv.
for R-1 & 2 Mr. Vivek Sharma, Adv.
Mrs. Nanita Sharma, Adv.

For R-4Dr. A.M. Singhvi, Sr. Adv.
Mr. Rahul Ray, Adv.
Mrs. Geeta Rai, Adv.
Mr. Umesh Kumar Khaitan, Adv.

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

SLP(C) No.1995/2003:

Counsel for the respondent no.1 and respondent nos. 4 to 7 take notice. Inasmuch as Writ Petition before the Jammu & Kashmir High Court, which has passed the impugned order, has been filed jointly by the respondent nos. 1 and 2 herein, we take the appearance on behalf of respondent no.1 also to be appearance on behalf of respondent no.2.

Serious grievance is raised by the petitioners against the ex-parte interim order passed by the High Court of Jammu & Kashmir at Jammu on 2nd November, 2002. It is informed at the Bar by the learned counsel for the respondents that the matter is coming up for hearing before the High Court on 12.2.2003. However, we find that day may be a holiday.

We request the High Court to take up the matter for hearing on 12.2.2003 or 13.2.2003 and if for any reason the hearing cannot be taken up on that day then on 14.2.2003. All the parties shall appear before the High Court. In case the High Court is closed for vacation, the matter shall be taken up for hearing by the Vacation Judge. Any pleadings to be filed may be filed on or before that date. The High Court, without awaiting appearance on behalf of the Union of India, shall hear and decide the matter as to the interim order and pass a speaking order, also taking into consideration the question of maintainability of writ petition before the High Court and that too at Jammu.

The prayer made on behalf of the petitioners herein for suspending the operation of the order dated 1.11.2002 is kept in abeyance for the time being as we would like to await the order of

the Jammu & Kashmir High Court.

The hearing in this matter is adjourned to 17.2.2003. Till 17.2.2003, none of the parties shall operate the bank accounts of M/s. Continental Constructions Ltd.

TP(C) No.84-86/2003:

Issue notice.

Petitioners are permitted to effect dasti service in addition.

In the meantime, it is directed that no court other than the High Court of Delhi shall entertain any suit or proceedings wherein the outcome of the 39th AGM dated 19.9.2002 of the 1st Petitioner-Company is called in question.

(P.D. Balodi)(Radha R. Bhatia)
Court Master Court Master