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SLP(C)No. 3679 OF 2005
ITEM No.39

Court No.10

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.3679/2005

(From the judgement and order dated 03/01/2005 in WA 4236/04
of The HIGH COURT OF MADRAS)

M/S. SUBHASH PROJECTS & MARKETING LTD.

Petitioner (s)

VERSUS

CHENNAI METROPOLITAN WATER SUPPLY & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 28/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)Mr. Soli J. Sorabjee, Sr.Adv.
Mr. Manish Singhvi,Adv.

Mr. P.V. Yogeswaran,Adv.

For Respondent (s)

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

Heard Mr. Soli J. Sorabjee, learned senior counsel appearing for the petitioner.
We find that the Division Bench, while dismissing the writ appeal, has given liberty to the pe
titioner to approach the Civil Court, if so advised. Learned counsel for the
petitioner submits that there are certain observations on merits made by learned Single Judge
which may affect it even

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if it goes to the Civil Court for relief. We make it clear that since the learned Single Judg
e and the Writ Court found that the dispute was essentially contractual and therefore writ pet
ition was not maintainable, there was no necessity for expressing any opinion on the merits of
the case. If the Civil Court is approached by the petitioner, the Suit shall be considered
on its own merits uninfluenced by any observations made by learned Single Judge and/or the Div
ision Bench on the merits of the issues involved.

The special leave petition is, accordingly, disposed of.

(Neena Verma) (Vijay Aggarwal)

Court Master

Court Master