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SLP(C)No. 3692 OF 2001

ITEM No.11 Court No. 8 SECTION IX

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.3692/2001

(From the judgement and order dated 09/02/2001 in CA 483/01 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

INTERCONTINENTAL (INDIA) Petitioner (s)

VERSUS

INDIAN SUGAR&GEN.IND.E&I. CORPN.LTD.&ANR Respondent (s)

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

Date : 16/03/2001 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Dr. AM. Singhvi, Sr.Adv.
M/s Gopal Jain, Rishikesh Barua, Advs. for
Mrs Manik Karanjawala,Adv.

For Respondent (s) Mr. GL. Sanghi, Sr.adv.
M/s Rohit Tandon, Hari Shankar K.,Advs.

Mr. Girish Ananthamurthy, Adv.
Mr. TN. Rao, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Dr. AM. Singhvi, learned senior counsel appearing for the petitioner submits that inasmuch as the bank guarantee has been encashed, he has instructions to withdraw the Special Leave Petition. However, he submits that in the impugned order observations are made with regard to merits of the contract which are likely to prejudice his case in the main suit. It goes without saying that in the disposal of an interlocutory application if any prima facie findings are recorded or observations are made they cannot be taken into consideration while deciding the suit or the main matter on merits. Subject to above observations, the Special Leave Petition is dismissed as withdrawn.

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(S.Thapar) (Kanwal Singh)@@
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PS to Registrar Court Master@@
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