

ITEM NO.62

COURT NO.10

SECTION XVII

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4410 OF 2004

M/S. PANAX CASHEW

Appellant (s)

VERSUS

STATE BANK OF TRAVANCORE & ORS.

Respondent(s)

(With appln(s) for c/delay in filing rejoinder)

WITH

SLP(C) NO. 4333 of 2005 - With prayer for interim relief

Date: 27/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Appellant(s)

Mr. LN. Rao, Sr.Adv.

Ms. Gouri Karuna Das, Adv.

Ms. Anu Gupta, Adv.

Mr. Rajesh Singh, Adv.

Ms. Rani Jethmalani, Adv.

Mr. KV. Vishwanathan, Adv.

Mr. R.K. Maheshwari, Adv.

Mr. Rishi Maheshwari, Adv.

For Respondent(s)

Mr. Raj Kumar Kaushik, Adv.

Mr. T. Mohd. Yusuff, Sr.Adv.

Mr. Anuvrat Sharma, Adv.

Mr. VK. Verma, Adv.

Mr. Sanjay Kumar Singh, adv.

Mr. Shreekant N. Terdal, Adv.

Mr. A.V. Rangan, Adv.

Mr. A. Ranganadhan, Adv.

Mr. Buddy A. Ranganadhan, Adv.

Mr. Jana Kalyan Das, Adv.

Mr. Sanjay Karol, Sr.Adv.

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Mr. Hemant Sharma, Adv.

Mr. Prashant VG., Adv.

Mr. Anupam Lal Das, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Civil Appeal is dismissed.

The Special Leave Petition is disposed of.

(S. Thapar)

(Phoolan Wati Arora)

PS to Registrar

Court Master

Two signed orders are placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

S.L.P.(CIVIL) NO. 4333 OF 2005

XPS Cargo Services & Another

Appellant (s)

Versus

Morepen Laboratories Ltd.
(s)

Respondent

O R D E R

The learned counsel for the petitioners submits that the petitioners had also raised

the point that the contract as carriers of cargo has come to an end and thereafter on the asking of

the respondent the goods had been kept in a godown, at his instance. The relationship thereafter

was described as that of a dealer and bailee. This aspect though taken in the grounds of appeal

before the Commission, was not considered. Accordingly, the impugned order of the National

Commission is set aside and the matter is remanded back to the National Commission for

consideration of all the issues on merits and in accordance with law.

The Special Leave Petition is disposed of accordingly.

.....J

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(ARUN KUMAR)

.....J

.....

JEE)

(TARUN CHATTER

New Delhi,

March 27, 2006

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4410 OF 2004

M/s Panax Cashew

Appellant (s)

Versus

State Bank of Travancore & Others

Respondent (s)

O R D E R

The Civil Appeal is dismissed.

.....J

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(ARUN KUMAR

.....J

TERJEE)

New Delhi,

March 27, 2006

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(TARUN CHAT