

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.2794 OF 2007

M/S. HINDUSTAN PETROLEUM CORPORATION LTD.	...PETITIONER(S)
VERSUS	
MOHANJIT SINGH (DEAD)	...RESPONDENT(S)

O R D E R

The application for impleadment is rejected.

The application for substitution of the legal representatives of the sole respondent-Mohanjit Singh, who died during pendency of this special leave petition and is not opposed by any one, stands allowed.

This special leave petition has been filed by the petitioner (Hindustan Petroleum Corporation Limited for short 'Corporation') challenging the order dated 2.2.2007 passed by the High Court of Delhi at New Delhi, by which the High Court has in fact dismissed the application filed by the petitioner but made observations which practically amounts to dismissal of the suit as it has been observed that no useful purpose would be served by allowing the petitioner to prove that it exercised its right to renew the lease.

The High Court, however has not expressly recorded any order whether it is allowing the application or rejecting the application, but the import of the order from the language which has been used, ultimately, amounts to dismissal of the application filed by the petitioner-Corporation.

The miscellaneous petition was merely an application challenging the order passed by the trial court which rejected the application for recall of the witness and filing additional documents. The trial court was pleased to reject that application holding therein that although documents were in possession of the defendant-petitioner, it failed to produce them at the relevant time and the same could not have been allowed after six years of the institution of the suit. The petitioner-Corporation feeling aggrieved by that part of the order, filed C.M.(M) Petition No.2162 of 2006 in the High Court, assailing the order meaning thereby that the petitioner's whole and sole plea was that the application denying the petitioner to recall the witness and file additional documents was fit to be struck down as illegal and invalid.

However, when the matter was heard by the High Court, the learned Single Judge appears to have ignored the main question for which the petition had been filed and it did not even address the issue as to whether the application rejecting the application was justified or not. On the contrary, it went into the merit of the matter and observed that the petitioner had already exercised its right to renew the lease and that having expired no useful purpose would be served by permitting the petitioner to prove it otherwise in the suit.

MOHANJIT SINGH (DEAD)

Respondent(s)

(With appln(s) for bringing on record the LRs. of deceased respondent, impleadment as petitioner, prayer for interim relief and office report)

Date: 07/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. H.P. Raval, Sr. Adv.
Mr. Sanjay Kapur, Adv.
Mr. Anmol Chandan, Adv.
Ms. Priyanka Das, Adv.
Ms. Lekha Vishwanath, Adv.

For Respondent(s) Mr. Ranjit Kumar, Sr. Adv.
Mr. Gaurav Liberham, Adv.
For Mr. Rameshwar Prasad Goyal, Adv.

For Impleader(s) Mr. Vijay Panjwani, Adv.

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

The special leave petition is disposed of in terms of the signed order.

|(Neetu Khajuria)

|(S.S.R. Krishna)

|
|Sr.P.A.

|Court Master

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(Signed order is placed on the file.)