

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007
(Arising out of SLP(C) No. 7629/2006)

M/S.AUTOLITE (INDIA) LTD. ...Appellant(s)

Versus

M/S.O.B.INTERNATIONAL RESOURCES PVT.LTD. ...Respondent(s)

O R D E R

Heard counsel for both the parties.

Leave granted.

The appellant is aggrieved by the order of the Division Bench of the High

Court dated 24.10.2005 allowing the appeal of the petitioner but without

determining the amount which the appellant was liable to pay to the

respondent. It appears from the impugned order that on 17.10.2005 notice

was issued but the appellant was directed to deposit certain amount with the

Registrar of the High Court. The winding up proceedings were stayed
The

order also records that the appellant had agreed to deposit the amount subject to the ultimate determination of the liability by the Court.

It appears that the respondent did not appear on a couple of occasions neither did his counsel appear in court. The High Court, therefore, allowed the appeal setting aside the impugned order dated 17.09.2004, but without determining the amount which the appellant was liable to pay to the respondent.

Counsel for the appellant submits that though his appeal has been

allowed, he has deposited more than the amount which is payable to the respondent. Unfortunately, the amount has not been determined by the High Court.

We find substance in the contention of the appellant that without determining the amount payable to the respondent, the High Court ought not to have disposed of the appeal, as has been done by it. We set aside the order

of the High Court and remand the matter to the High Court. With these

observations, the appeal is disposed of. The High Court will determine the

amount payable to the respondent by the appellant and thereafter pass

appropriate orders.

.....J.

(B.P.SINGH)

.....J.

(H.S.BEDI)

New Delhi,

May 4, 2007.

ITEM NO.43

COURT NO.2

SECTION XV

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(s).7629/2006

(From the judgement and order dated 24/10/2005 in SBCP No. 39/2001 & CSCA No. 79/2004 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

M/S. AUTOLITE (INDIA) LTD.

Petitioner(s)

VERSUS

M/S.O.B.INTERNATIONAL RESOURCES PVT.LTD.

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)

Date: 04/05/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s) Mr.Rupesh Kumar,Adv.

Mr. Rajeev Sharma and

Ms. Neelam Sharma, Adv.

For Respondent(s) M/s Sanjiv Jha, Braj K.Mishra,

Ms. Aparna Jha, Mr. Abishek Yadav,

Mr. Vikram, Rohit Parashar and

Ujjawal Jha, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeal is disposed of.

on leave

(Meera Hemant)

Assistant Registrar

(Vijay Dhawan)

Court Master

(Signed order is placed on the file)