

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.5399/2000
(From the judgement and order dated 14/07/1999 in Summons for
Judgment No. 841/97 in Summary Suit No. 2590/97 of The HIGH COURT
OF BOMBAY)

MESSERS BHARAT EARTH MOVERS LTD. Petitioner (s)

VERSUS

MESSERS MARUTI CIVIL WORKS Respondent (s)

(With prayer for interim relief)

Date : 11/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Mr. Shivaji M. Jadhav,Adv.

For Respondent (s)

Mr. Shrish Kumar Misra,Adv.

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

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Special leave granted.

The appeal is allowed and the order of the High Court
is set aside, in terms of the signed order.

(D.P. Walia)
Court Master

(S.L. Goyal)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7211 OF 2000@@
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[arising out of S.L.P.(C) No.5399 of 2000]

M/s. Bharat Earth Movers Ltd. ..Appellant(s)

vs.

M/s. Maruti Civil Works ..Respondent(s)

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Special leave granted.

After hearing the learned counsel for the parties, we are of the opinion that keeping in view the correspondence which had been exchanged, this was not an appropriate case for granting unconditional leave. The liability to pay the principal amount at least cannot be disputed especially in view of the letter dated 20th May, 1994 of the respondent to the appellant.

We, therefore, allow this appeal and set aside the order of the High Court. Conditional leave is granted so that if within four weeks from today the principal amount demanded in the plaint is paid the respondent will have leave to defend the case. The respondent need not deposit any amount towards the claim of interest at the rate of 24 per cent because there is a bonafide dispute in that behalf. The amount to be deposited would be the amount claimed in the plaint minus any sum which has admittedly been paid.

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.....J.
(B.N. KIRPAL)

New Delhi;
December 11, 2000.

.....J.
(RUMA PAL)

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