

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4619/2008

(From the judgement and order dated 18/02/2008 in AFO No. 31/2008 & CA No. 1260/2008 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

MUNDRA INTL. CONTAINER TERL. PVT.LTD.

Petitioner(s)

VERSUS

MUNDRA PORT & SPL. ECONOMIC ZONE LTD.

Respondent(s)

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

With

SLP(C)No.5456/2008 (with appln.(s) for exemption from filing c/c of the impugned judgment and with prayer for interim relief and office report)

Date: 29/02/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

Mr. F.S. Nariman, Sr.Adv.
Mr. R.F. Nariman, Sr.Adv.
Dr. A.M. Singhvi, Sr.Adv.
Mr. N. Seervai, Sr.Adv.
Mr. Farhad Sorabjee, Adv.
Mr. Amar Gupta, Adv.
Mr. Bijal Chatrapati, Adv.
Mr. Dheeraj Nair, Adv.
Mr. Mayank Mishra, Adv.
Ms. Vibha Datta Makhija, Adv.

For Respondent(s)

Mr. K.K. Venugopal, Sr.Adv.
Mr. Dushyant Dave, Sr.Adv.
Dr. Rajiv Dhawan, Sr.Adv.
Mr. Ankur Chowla, Adv.
Mr. Jayant Mohan, Adv.
Ms. Pallavi Langer, Adv.
Ms. Meenakshi Chatterjee, Adv.
Mr. Siddhartha Chowdhury, Adv.

UPON hearing counsel the Court made the following
ORDER

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Since both the parties have entered appearance we propose to dispose of this petition at this stage with a short order.

The High Court by the impugned order has declined to pass an interim order solely on the ground that the Gujarat Maritime Board which is a statutory body is not arrayed as a party.

Mr. F.S. Nariman, learned senior counsel, has brought to our notice the order dated 27.02.2008 passed by the City Civil Court. It appears from the order that now the petitioner has filed amendment application praying for amendment of the plaint by making Gujarat Maritime Board as a party which has been allowed and the matter has now been posted for 5.03.2008 for hearing.

This Court on 21.02.2008 fixed the case today and granted status quo order as regards possession till today. The status quo order

granted by this Court on 21.02.2008 shall continue till 5.03.2008. We
make it clear that the City Civil Court shall decide the application
peremptorily on 5.03.2008 without granting any adjournment. We also
make it clear that the City Civil Court shall decide the case on merits
uninfluenced by any observation made by this Court or by the High Court.

The Status quo order shall continue till 05.03.2008 only.

With the aforesaid directions the special leave petition is
disposed.

SLP(C)No.5456/2008

List it on 14.03.2008.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER