

SLP(C)No. 7510 OF 2001
ITEM No.43

Court No.10

SECTION XIIA

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.7510/2001

(From the judgement and order dated 01/12/2000 in CRP 4750/2000
of The HIGH COURT OF A.P AT HYDERABAD)

AVIK PHARMACEUTICALS LTD. Petitioner (s)

VERSUS

VASUD PHARMACEUTICALS LTD. Respondent (s)

(With prayer for interim relief)

Date : 03/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. G Ramakrishna Prasad, Adv.

For Respondent (s) Mr. E Phani Kumar, Adv.
Mrs. Sudha Gupta, Adv.

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

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Leave granted.

The appeal is allowed in terms of the signed order with
no order as to costs.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5032 OF 2001@@
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(Arising out of SLP(C) No.7510 of 2001)

Avik Pharmaceuticals Ltd.

....Appellant

VERSUS

Vasud Pharmaceuticals Ltd.

....Respondent

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Heard learned counsel for the parties.
Leave granted.

Respondent filed a summary suit for recovering Rs.24 lakhs on the ground of supply of raw materials for appellant's Company. Appellant filed an application for leave to defend which was rejected by the trial court. The High Court also dismissed the revision application filed by the appellant. That order is challenged by filing this appeal by special leave.

Learned counsel for the appellant submitted that considering the dispute involved in the matter and the contention of the appellant that the goods supplied were defective and other issues involved in the matter, this was a fit case for grant of leave to defend and in any case on conditions. He submitted that if leave to defend is granted, appellant would deposit Rs.12 lakhs on or before 31st October, 2001 before the trial court.

Considering the facts and issues involved, the impugned order passed by the High Court confirming the order passed by the trial court refusing to grant leave to defend is set aside. Leave to defend is granted on the condition that the appellant will deposit before the trial Court Rs.12 lakhs on or before 31st October, 2001. On failure to deposit the said amount the order passed by the High Court as well as by the trial court would stand restored. The appeal is allowed accordingly with no order as to costs.

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.....J.@@
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(M.B. SHAH)@@
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.....J.@@
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(R.P. SETHI)@@
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New Delhi,
August 3, 2001