

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.6265/2001

(From the judgement and order dated 27/03/2001 in FAO 133/01
of The HIGH COURT OF DELHI AT N. DELHI)

M/S. MARUT NANDAN OVERSEAS LTD.

Petitioner (s)

VERSUS

UNIQUE INTERNATIONAL FZE.SHARJAH AND ORS
(With prayer for interim relief)

Respondent (s)

Date : 10/05/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. G.L.Sanghi, Sr.Adv.
Mr. R.K. Sanghi, Adv.
Mr. Narendra M.Sharma, Adv.
Mr. Rajesh Prasad Singh,Adv.

For Respondent (s) Mr. S. Balakrishnan, Sr.Adv.
Mr. Subramonium Prasad.,Adv.

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

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.SP2

In view of the following finding recorded by the Division
Bench of the High Court, we are unable to accept the contention of
Mr.Sanghi, learned counsel appearing for the petitioner, that this
case is one of fraud.

.SP1

"In the facts of the present case as noted above, the
goods had actually been assigned for shipment.
Separate Bills of Lading had to be issued because the
goods could not be shipped for want of space on the
ship as per the earlier Bill of Lading. Prima facie it
cannot be said to be a case of fraud."

.SP2

The special leave petition is dismissed.

.SP1

(N. Annapurna)
Court Master

(Kanwal Singh)
Court Master