

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
CIVIL APPEAL NO(s). 4532-4533 OF 2003

LAKSHMI AUTOMATIC LOOM WORKS LTD.

Appellant (s)

VERSUS

LARSEN & TOURBO LTD. & ORS.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 4543-4544 of 2003

(With office report)

Civil Appeal NO. 7224 of 2003

(With office report)

Date: 04/02/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN

HON'BLE MR. JUSTICE V. GOPALA GOWDA

For the parties:

Mr. V. Giri, Sr. Adv.  
Mr. M.A.Chinnasamy, Adv.  
Mr. S. Muthu Krishnan, Adv.  
Mr. K. Krishna Kumar, Adv.

Mr. Arvind P. Datar, Sr. Adv.  
Mr. Amit Sharma, Adv.  
Ms. Shweta Singh, Adv.

Mr. V. Krishnamurthy, Sr. Adv.  
Mr. T. Harish Kumar, Adv.  
Mr. Prasanth P., Adv.  
Mr. V. Vasudevan, Adv.

Mr. Amit Sharma, Adv.

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

The appeals are disposed of in terms of the signed order.

| (DEEPAK MANSUKHANI) | (M.S. NEGI) |  
| Court Master | Court Master |

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 4532-4533 OF 2003

LAKSHMI AUTOMATIC LOOM WORKS LTD. Appellant (s)

VERSUS

LARSEN & TOURBO LTD. & ORS. Respondent(s)

WITH

CIVIL APPEAL NO(s). 4543-4544/2003  
CIVIL APPEAL NO(s). 7224/2003

O R D E R

All these appeals have arisen out of the common judgment and order passed by the Division Bench of the Madras High Court in OSA No. 161 and 254 of 1996.

We have been taken through the judgment of the learned Single Judge (trial Court in the suit) as well as the judgment and order of the Division Bench deciding the First Appeal. We are of the view that the mandatory requirement provided under Order 41 Rule 31 CPC read with the provisions of letters patent have to be complied with. The appeals have been decided without adhering to the said statutory requirement.

In the facts and circumstances of the case, the judgment and decree of the Appellate Court is set aside and we remand the matters to the High Court to decide afresh giving strict adherence to the mandatory requirement of the provisions of Order 41 Rule 31 CPC and Letters Patent.

The matters are very old as suit was filed in 1983, and these appeals have been pending before this Court for more than a decade, in the facts and circumstances, we request the High Court to decide these appeals expeditiously preferably within a period

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of six months from the date of production of the order of this Court.

The parties may appear before the Hon'ble High Court of Madras on 25th February, 2013. The Registry of the High Court is directed to list the matters before the appropriate Bench on that date for appropriate directions.

However, it is clarified that if any amount has been paid, that will be subject to the decision of the First Appellate Court.

With these observations, the appeals are disposed of.

.....J.  
(DR. B.S. CHAUHAN)

.....J.  
(V. GOPALA GOWDA)

NEW DELHI  
FEBRUARY 04, 2013.