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SLP(C)No. 10919 OF 2001

ITEM No.39

Court No. 2

SECTION XIV

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.10919/2001

(From the judgement and order dated 27/03/2001 in RP 23/01  
of The HIGH COURT OF GAUHATI)

INDIAN DRUG DISTRIBUTORS & ORS. Petitioner (s)

VERSUS

PRANAB KUMAR BANERJEE & ORS. Respondent (s)  
(With prayer for interim relief)

Date : 10/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. S.B. Sanyal, Sr.Adv.  
Mr. N.R.Choudhary, Adv.  
Mr. Somnath Mukherjee,Adv.

For Respondent (s) Mr. R.F. Nariman, Sr.Adv.  
M/s. Devashis Baruah, H.Baruah, Adv.  
Ms. Ruby Singh Ahuja, Adv.

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

....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
The appeal is allowed. No order as to costs.

.SP1 (N. Annapurna) (Shelly Sengupta)  
Court Master Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@  
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CIVIL APPELLATE JURISDICTION@@  
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CIVIL APPEAL NO. 5241 OF 2001@@  
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(Arising out of S.L.P.(C) No.10919/2001)

Indian Drug Distributors & Ors. ....Appellant(s)

versus

Pranab Kumar Banerjee & Ors. ...Respondent(s)

O R D E R@@  
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Leave granted.

We have heard learned counsel and it appears to us that the impugned order goes far beyond the court's jurisdiction in a review. If the contesting respondent was aggrieved by the original order, his remedy was to take appropriate proceedings thereagainst. Learned counsel for the contesting respondent says that this shall now be done.

Accordingly, without going into any further details, we allow the appeal and set aside the order under challenge.

No order as to costs.

.SP1  
.....J.@@  
AA  
(S.P. Bharucha)@@  
AA

.....J.@@  
AA  
(Y.K. Sabharwal)@@  
AA

New Delhi,@@

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August 10, 2001. @@  
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