

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5569/2006

(From the judgement and order dated 05/08/2005 in AN No. 67/1998 of The HIGH COURT OF CALCUTTA)

HILLMAN TEA & TRADING CO.LTD.& ANR.

Petitioner(s)

VERSUS

RAFIULLA TEA INDS.PVT.LTD. & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and substituted service and directions and with prayer for interim relief and office report)

WITH SLP(C) NO. 5570 of 2006

(With appln. for c/delay in filing SLP and with prayer for interim relief and office report)

CONMT.PET.(C) NO. 60 of 2007 in SLP(C)No.5569/2006

CONMT.PET.(C) NO. 63 of 2007 in SLP(C)No.5570/2006

[(With office report)]

Date: 30/03/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. Rana Mukherjee, Adv.
Mr. Siddarth Gautam, Adv.
Ms. A.De Biswas, Adv.
Mr. Goodwill Indeevar,Adv.

For Respondent(s)
Ms. Indra Sawhney,Adv.

Mr. Avijit Bhattacharjee,Adv.

Mr. Prateek Jalan, Adv.

Ms. Sonia Dube, Adv.

Ms. Priyanka Chaudhry, Adv.

for M/S. Legal Options,Advs.

R2 Mr. Sanjoy Kr. Ghosh, Adv.
SC5569/06etc.etc. -2-

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

Briefly stated the facts disclose that the appellant company filed a Title Suit in the court of Assistant District Judge, Dhubri (Assam), which was later transferred to the court of the District Judge, Dhubri and was re-numbered as Title Suit No. 4 of 1983, against the respondent, Rafiulla Tea Industries Pvt. Ltd. The said suit was decreed ex parte on 2nd March, 1993 and upon execution of the decree, the petitioner was handed over possession of the Tea Garden in question. On 28th September, 1983, on an application filed by the respondent No.1, the decree was recalled and by the order of the court dated 16 th

July, 1984, the said respondent was put back into the possession.

In the meantime, other proceedings were taken for winding up of the petitioner-company, but ultimately, the winding up order was set aside.

The position as it now stands is that the suit has been revived and the petitioner is pursuing the same.

In that view of the matter, the petitioner's remedy would depend upon a final decision in the suit.

We, therefore, dispose of both the special leave petitions, with a direction upon the trial court (District Judge, Dhubri, Assam) to dispose of the suit, which is pending for a long time, within 31st December, 2009, if the same has not yet been disposed of in the meantime.

The connected contempt petitions are also disposed of by virtue of this order.

(Sheetal Dhingra)
Court Master

(Indu Satija)
Court Master