

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4123 OF 2013
(ARISING OUT OF SLP (C)NO.10024 OF 2012)

M/S J.M.CONSTRUCTIONS

Appellant(s)

VERSUS

M/S SHAMROCK IMPEX P.LTD.& ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of an ad interim order dated 15.2.2012 passed by the learned Single Judge of the High Court of Judicature at Bombay in Writ Petition No.10805 of 2011 whereby the High Court has stayed further proceedings in R.A.E. Suit No.467/767 pending before the Small Causes Court, Mumbai.

When this matter came up before us for preliminary hearing on 4th April, 2012 we issued notice to the respondents and directed that while the proceedings before the trial shall go on no final decree shall be passed by the trial court pending disposal of Writ Petition No.10805 of 2011 before the High Court.

Having heard learned counsel for the parties at some length, we are inclined to make the said direction absolute with a request to the High Court to expedite the hearing and disposal of Writ Petition NO.10805 of 2011 pending before it.

We accordingly allow this appeal and in modification of the order passed by the High Court, direct that proceeding, pending before the trial court in R.A.E. Suit No.467/767 shall go on but no final judgment shall be passed in the same, pending disposal of Writ Petition NO.10805 of 2011 by the High Court. We request the High Court to expedite the hearing and disposal of the writ petition, mentioned above, as far as possible within a period of six months.

We make it clear that we have not expressed any opinion on the merits of the case or the contentions urged by either side before us. No costs.

(T.S. THAKUR)

.....J.

(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.

New Delhi,
April 26, 2013.
ITEM NO.43

COURT NO.8 SECTION IX
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(s).10024/2012

(From the judgement and order dated 15/02/2012 in WP No.10805/2011 of The HIGH COURT OF BOMBAY)

M/S J.M.CONSTRUCTIONS

Petitioner(s)

VERSUS

M/S SHAMROCK IMPEX P.LTD.& ORS.

Respondent(s)

(With appln(s) for directions,modification of Court's Order,permission to file additional documents and prayer for interim relief and office report)

Date: 26/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. E.R. Kumar,Adv.
Mr. S.P. Mohanty,Adv.
Mr. Ekansh Mishra,Adv.
M/S. Parekh & Co.,Adv.

For Respondent(s) Mr. Shekhar Naphade,Sr.Adv.

Mr. Shyama Diwan,Sr.Adv.

Ms. Ranjana M. Parikh,Adv.
Mr. Gaurav Agrawal,Adv.
Mr. Shankar Narayanan,Adv.
Mr. Ankur Saigal,Adv.
Mr. Mahesh Agarwal,Adv.
Mr. Rishi Agrawala,Adv.
Mr. E.C. Agrawala,Adv.
Ms. Ranjeeta Rohtagi,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

Leave granted.

The appeal is allowed with modification. No costs.

|(Mahabir Singh)
| Court Master

|(Suman Wadhwa)
| AR-cum-PS

(singd order is placed on the file)