

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2973 OF 2007

PORURI LAKSHMI PRASAD

... APPELLANT(S)

VERSUS

INDIAN PETROCHEMICALS CORP.LTD.& ORS.

...RESPONDENT(S)

O R D E R

This appeal by special leave arises out of the Order dated 22.09.2006 passed by the High Court of Judicature at Bombay in Writ Petition No. 1840 of 2005. The second writ petition filed by the appellant herein was dismissed holding it not maintainable in view of the earlier Writ Petition No. 1751 of 2002 filed by the appellant herein which eventually came to be dismissed as withdrawn vide Order dated 18.06.2004 with liberty to file appropriate proceedings for the relief sought for in the said writ petition.

The High Court by the impugned Order also dismissed the writ petition on the ground that there are no averments to show any deep and pervasive control by

Signature Not Verified

the Union of India in the running of respondent No. 1

Digitally signed by
Sushil Kumar Rakheja

Date: 2015.08.03

13:16:32 IST

Reason:

in view of the liberty given to the appellant herein

to file the appropriate proceedings for the relief

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sought for in the earlier writ petition. Instead of initiating appropriate proceedings before appropriate forum, he has filed the second writ petition which came to be dismissed for the reasons recorded in the impugned order. We do not find any good reason to interfere with the impugned order. However, liberty

which is already given by the High Court in the

earlier writ petition filed by the appellant to file appropriate proceedings can be availed of by the appellant herein by initiating proceedings before the proper forum. If the question of limitation come in the way, the appellant can avail of the right conferred upon him under Section 14(2) of the Limitation Act, 1963.

With the aforesaid observations and liberty, this appeal is disposed of.

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

.....J.
(ADARSH KUMAR GOEL)

NEW DELHI,
JULY 29, 2015

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ITEM NO.109 COURT NO.10 SECTION IX

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). 2973/2007

PORURI LAKSHMI PRASAD Appellant(s)

VERSUS

INDIAN PETROCHEMICALS CORP.LTD.& ORS. Respondent(s)

Date : 29/07/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Y. Raja Gopala Rao,Adv.
Mr. Hitendra Nath Rath, Adv.

For Respondent(s) Mr. C.U. Singh, Sr. Adv.
RR 1-2 Mr. Biju P. Raman, Adv.
Mr. Rishi K.S. Gautam, Adv.
Mr. K. R. Sasiprabhu,Adv.

RR-3 Mr. P.S. Narsimha, A.S.G.
Mr. M. Rambabu, Adv.
Mr. N. K. Karhail, Adv.
Mr. Shreekant N. Terdal,Adv.

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

The appeal is disposed of in terms of the signed order.

(S. K. RAKHEJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

(Signed order is placed on the file)