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SLP(C)No. 8694-8696 OF 2003

ITEM No.34

Court No. 4

SECTION XVI

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.8694-8696/2003

(From the judgement and order dated 10/03/2003, 25/03/2003 and
07/04/2003 in T.S.64/1999 of the Civil Judge (Senior Division),
Alipore, Calcutta)

NEENA SAREEN

Petitioner (s)

VERSUS

M/S. DUNLOP INDIA LTD.

Respondent (s)

(With prayer for interim relief and office report)

Date : 09/05/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. C.L. Sareen,Adv.
Mr. R. Nedumaran,Adv.
Ms. Enakshi Kulshreshtha, Adv.

For Respondent (s)

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

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.SP2

Feeling aggrieved by the order of the trial court
extending the operation of interim order of stay
intermittently, the petitioner filed a special leave petition
in this Court which was disposed of by order dated 9.12.2002
in terms of the following order:

.SP1

"The grievance raised by the petitioner is
that the operation of an interim order of stay is
being extended from time to time without disposing

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-2-

of the prayer for stay on merits. Presently, it
is stated by the learned counsel for the
petitioner that after 23rd November, 2002, the
Court has not even appointed a date of hearing and

the interim order is continuing. We allow liberty to the petitioner to make an appropriate application before the learned Civil Judge (Senior Division), Alipore, Calcutta whereupon the case shall be taken up and the question of confirmation or extension of stay shall be decided by a reasoned order within a period of two months from the date of making the application.

Subject to this observation, the special leave petitions are dismissed."

.SP2

Inspite of this, the trial court has adjourned the hearing on 14.1.2003, 28.1.2003, 11.2.2003, 28.2.2003, 10.3.2003, 25.3.2003, 7.4.2003, that is on seven dates of hearing, affording the defendant an opportunity of bringing stay order from the High Court. We fail to understand how the trial court could have adjourned the hearing ignoring the order of this Court.

The trial court shall hear and dispose of the matter on the appointed date unless and until the High Court has passed an order of stay and communicated the same to the trial court.

The petitioner is allowed the liberty of bringing this order to the notice of the trial court seeking fixing of the hearing at the earliest, preferably soon after the opening of the court after vacation.

List these petitions in the end of July, 2003.

.SP1

(N. Annapurna)
Court Master

(Radha R. Bhatia)
Court Master