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C.A.No. 5111 OF 1998  
ITEM NO.112  
COURT No.2

SECTION IV

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. 5111/1998

F.C.I. & Ors.

Appellant(s)

Versus

M/s Ram Nath Dhir & Sons

Respondent(s)

( with prayer for interim relief and office report )

DATE : 11/03/2004                      This/These matter/matters was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE G.P. MATHUR

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

For Respondent(s)Mr. Sanjeev Anand, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal stands dismissed in terms of the signed order. However, it is made clear that it will be appropriate for the first appellate Court to dispose of the appeal as expeditiously as possible.

[ Charanjeet Kaur ]  
Court Master

[ Om Prakash ]  
Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5111 OF 1998

F.C.I. & Ors.

..  
Appellant(s)

Versus

M/s Ram Nath Dhir & Sons

..  
Respondent(s)

O R D E R

This appeal arises out of an order made in a Revision Petition arising under Section 115 of the Code of Civil Procedure and those proceedings arose out of an order made by the trial Court

on 13.10.1997 by which an application filed by the appellants for stay of the suit has been re-jected.

The High Court duly applied its mind to the facts such as, pendency of the proceedings; that earlier proceedings had already been disposed of; the first appeal was pending, and has held that it is not appropriate to modify the order passed by the trial Court. We do not think such a matter calls for interference under Article 136 of the Constitution. This appeal, therefore, stands dismissed.

However, it is made clear that it will be appropriate for the first appellate Court to dispose of the appeal as expeditiously as possible.

.....J[ S. RAJENDRA BABU ]

.....J [ G.P. MATHUR ]

NEW DELHI,  
MARCH 11, 2004.