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SLP(C)No. 15350 OF 2000  
ITEM No.201

Court No. 2

SECTION XVI  
A/N MATTER

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.15350/2000  
(From the judgement and order dated 18/05/2000 in AOD 14/00  
of The HIGH COURT OF CALCUTTA)

KANCHAN UDYOG LTD.

Petitioner (s)

VERSUS

MCDOWELL & COMPANY LTD.

Respondent (s)

(With prayer for interim relief)  
( For Final Disposal )  
With

SLP(C)No.16104/2000 (McDowell & Co. Ltd. vs. Kanchan Udyog Ltd.)  
(with prayer for interim relief and office report) (for final  
disposal)

Date : 14/12/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Dr. A M Singhvi, Sr. Adv.  
Mr. K V Vishwanathan, Adv.  
Ms. Gauri Rasgotra, Adv.  
Mr. Suman Jyoti Khaitan, Adv.  
(for respondent in SLP(C) 16104/2000)

For Respondent (s) Mr. Sunil Gupta, Adv.  
Ms. A K Verma, Adv.  
Mr. Harish J. Jhaveri, Adv.  
(for petitioner in SLP(c) 15350/2000)

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J.R

Special leave granted.

These appeals are allowed, the impugned judgment  
dated 18th May, 2000 of the High Court is set aside and  
the High Court is directed to hear the appeal before it  
on merits.

(D.P. WALIA)  
Court Master

(PREM PRAKASH)  
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@  
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[arising out of SLP(C) No. 15350 of 2000]

Kanchan Udyog Ltd. ..Appellant(s)

vs.

McDowell & Company Ltd. ..Respondent(s)

[with Civil Appeal No. .... of 2001 arising out of SLP(C)@@  
CC  
No. 16104 of 2000 - McDowell & Company Ltd. vs. Kanchan@@  
CC  
Udyog Ltd.]@@  
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O R D E R@@  
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Special leave granted.

After hearing the counsel for the parties, we are of the opinion that the High Court instead of setting aside the order of the trial court and remanding the case for a fresh trial, ought to have decided the appeal before it on merits on the basis of the evidence and the pleadings on record. This the High Court has not done.

These appeals are, accordingly, allowed, the impugned judgment dated 18th May, 2000 of the High Court is set aside and the High Court is directed to hear the appeal on merits.

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.....J.  
(B.N. KIRPAL)

.....J.  
(K.G. BALAKRISHNAN)

.....J.  
(ARIJIT PASAYAT)

New Delhi;  
December 14, 2001.