

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.3298 OF 2001

VICTOR OIL COMPANY PVT. LTD.

Appellant(s)

Versus

E.C. BOSE & COMPANY PVT. LTD.

Respondent(s)

ORDER

We have heard learned counsel for the parties.

The Special Leave Petition was filed against the judgment and order dated 10th July, 2000 passed by the High Court of Calcutta in C.O. No.1013 of 2000 whereby the Calcutta High Court directed the Calcutta Port Trust to be impleaded as part respondent in the pending suit between the parties. Leave was granted by this Court and the operation of order of the Calcutta High Court was stayed. However, the Court directed that the trial may proceed.

Now the trial has already proceeded and almost come to a conclusion. Now in case this order of the Calcutta High Court is allowed to be made then it will create a further confusion. If Calcutta Port Trust is made a party then notice has to be given to it and the written statement will be filed by the Calcutta Port

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Trust. Since the trial has almost concluded as was directed by this Court by Order dated 23rd April, 2001, no useful purpose will be served now by permitting the Calcutta Port Trust to be impleaded as party to start a fresh trial.

Accordingly, the interim order passed by this Court on 23rd April, 2001 staying the operation of the order of the Calcutta High Court is made absolute.

As the Trial has already begin, the Trial Court is directed to dispose of the trial expeditiously.

The Civil Appeal is accordingly disposed of.

**.....J.
(A.K.MATHUR)**

**.....J.
(P. SATHASIVAM)**

**New Delhi,
July 30, 2008**