

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

REVIEW PETITION (C.) NO.1380 OF 2004

IN

CIVIL APPEAL NO.136 OF 1999

M/S.SRI JAYALAKSHMI COLD STORAGE (P) LTD.

PETITIONER(S)

VERSUS

AGRICULTURAL MKT. COMMITTEES

RESPONDENT(S)

O R D E R

Delay condoned.

Against an order granting temporary injunction by the Trial

Court, an appeal was filed, which was dismissed by the High Court.

Feeling aggrieved by the said order, the appellant-Agricultural Market

Committee, Guntur filed a special leave petition in this Court in which

leave was granted. The appeal was disposed of on 24th March, 2004 by

the following order :-

"We are informed by the learned counsel for the respondent that the suit has already been withdrawn. In the circumstances, this appeal arising out of an interlocutory order made in that suit, become infructuous and the same shall stand disposed of accordingly."

The respondent in the appeal has filed the present Review Petition on the ground that by inadvertence a wrong statement had been made that the suit had been withdrawn though in fact the suit is still pending. Despite service of notice, no one has appeared on behalf of the appellant. Since the suit is still pending, the review petition is allowed.

We recall the order dated 24th March, 2004 and restore the appeal to its original number.

List the appeal for hearing after four weeks.

.....J

(G.P. MATHUR)

.....J

NEW DELHI;

10TH MARCH, 2006

3

ITEM NO.40

COURT NO.12

SECTION XIIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

REVIEW PETITION (C) NO(s). 1380 OF 2004 IN CIVIL APPEAL 136/1999

M/S. SRI JAYALAKSHMI COLD STORAGE (P)LTD

Petitioner(s)

VERSUS

AGRICULTURAL MKT. COMMITTEES

Respondent(s)

(With appln(s) for c/delay in filing review petition and office report )

Date: 10/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

:

Mr. G. Ramakrishna Prasad,Adv.

UPON hearing counsel, the Court made the following

O R D E R

Delay condoned.

The review petition is allowed, in terms of the signed order.

(G.V.Ramana)

(Veera Verma)

Court Master

Court Master

(Signed order is placed on the file)