

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(s).13798/2011

(From the judgement and order dated 11/04/2011 in SCA No.4502/2011 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

SHREE CONSTRUCTION COMPANY Petitioner(s)

VERSUS

OMKARA CONCRETE & MACHINERIES P.LTD. Respondent(s)

(With office report)

Date: 02/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s)

Mr. Nachiketa Joshi,Adv.

For Respondent(s)

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

Leave granted.

The Appeal is disposed of in terms of the signed order.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7585 OF 2011
(arising out of S.L.P. (Civil) No. 13798 OF 2011)

SHREE CONSTRUCTION COMPANY Appellant(s)

VERSUS

OMKARA CONCRETE & MACHINERIES P.LTD. Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellant.

Office Report dated 30th day of August, 2011 indicates that the counsel for the appellant has filed affidavit with proof of service stating therein that show cause notice notice has been served on the sole respondent, but no one has entered appearance so far.

This Appeal has been filed against the impugned order dated 11.04.2011 passed by the High Court of Gujarat in Special Civil Application No. 4502 of 2011.

The facts have been stated in the impugned order and hence we are not repeating the same here.

On the facts of the case, we modify the impugned order and grant leave to the defendant to defend the suit on

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depositing in the trial court a sum of Rs. 5 Lakhs (Rupees Five Lakhs Only), out of which Rs. 3 Lakhs (Rupees Three Lakhs Only) has already been deposited in the trial court.

With these observations, the Appeal is disposed of accordingly. No costs.

.....J.
(MARKANDEY KATJU)

NEW DELHI;
SEPTEMBER 02, 2011

.....J.
(CHANDRAMAULI KR. PRASAD)