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SLP(C)No. 16971-16972 OF 2000
ITEM No.37

Court No. 3

SECTION IVA
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.16971-16972/2000

(From the judgement and order dated 09/06/2000 in CRPs 2734/99 and 2936/99 of The HIGH COURT OF KARNATAKA AT BANGALORE)

NATIONAL BUILDINGS CONSTRUCTN.CORPN.LTD.

Petitioner (s)

VERSUS

M/S. HEGDE CONST.ENGR.&CONT.KALSANGA&ANR

Respondent (s)

(With Appln(s). for directions and with prayer for interim relief)

Date : 12/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Mukul Rohtagi, ASG
Mr. Manoj Kumar Das, Adv.
Mr. Sibho Sankar Mishra,Adv.

0 For Respondent (s) Mr. Sanjay R Hegde, Adv.
0 Mr. P S Shetty and Mr. Satya Mitra, Adv.
0 Mr. Girish Ananthamurthy, Adv.
Mr. P.P. Singh,Adv.

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

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.SP2
Special leave granted.
For the reason recorded in the order, these
appeals are allowed and the order of the High Court is set
aside.

.SP1

(D.P. WALIA) (S.L. GOYAL) @@
AA
COURT MASTER COURT MASTER@@
A AAA

(Signed Order is placed on the file.)

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

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2001@@
CC
[arising out of S.L.P.(C) Nos.16971-16972 of 2000]

National Buildings Construction Corpn. Ltd. ..Appellant(s)

vs.

M/s. Hegde Constructions Engineers & Contractors & Anr. ..Respondent(s)

O R D E R@@
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Special leave granted.

After hearing the counsel for the parties, we are of the view that the impugned order of the High Court was clearly uncalled for. In a suit for injunction filed by respondent No. 1, the trial court declined to stay the operation of the bank guarantee. The High Court, in a revision petition filed by respondent No. 1, while observing that the order of the trial court calls for no interference, nevertheless at the end of its order directed the parties to maintain status quo with respect to the bank guarantee. This is clearly ununderstandable. On the facts of this case, and without expressing any opinion on the merits, we are satisfied that the High Court's order in so far as it relates to stay of the operation of the bank guarantee is uncalled for.

For the aforesaid reason, these appeals are allowed and the order of the High Court is set aside.

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

New Delhi;
March 12, 2001.

.....J.
(RUMA PAL)