

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 1383 OF 2001

KADAMKUAN G.S.SAMITI LTD.AND ORS.

Appellant (s)

VERSUS

BIHAR RAJYA KHADI BD. AND ANR.

Respondent(s)

(With prayer for interim relief)

Date: 04/12/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s) Mr. Kumar Parimal, Adv.
Ms. V. Mohana, Adv.

For Respondent(s)
R1 Mr Pavan Kumar, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeal stands dismissed in terms of the signed order. There will be no order
as to costs.

(Sheetal Dhingra)
Court Master

(Phoolan Wati Arora)
Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1383 OF 2001

KADAMKUAN G.S.SAMITI LTD.AND ORS.

Appellant (s)

VERSUS

BIHAR RAJYA KHADI BD. AND ANR.

Respondent(s)

ORDER

This appeal under Article 136 of the Constitution of India seeking leave to appeal in t
his

Court against the judgment and order dated 5th of July, 1999 passed by the High Court of

Judicature at Patna in Misc. Appeal No.292 of 1998 of the appellants whereby their misc. appeal

was dismissed and the order of the trial court refusing to grant interim injunction in favour of the

appellants was affirmed. The trial court while refusing the prayer for grant of interim injunction,

prima facie, affirmed that a sum of Rs.38,500/- as claimed by the appellants could not be adjusted against the outstanding dues of the loan of the respondents and therefore they could

not be restrained from proceeding with the certificate cases. On this prima facie finding

the prayer for grant of injunction was refused

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by the trial court and affirmed by the High Court in Misc. Appeal No.292 of 1998.

After hearing the learned counsel for the parties and after going through the impugned

order and the application for injunction and other materials on record, we do not find any ground

to interfere with the concurrent orders passed by the High Court as well as by the trial court which refused to grant injunction in favour of the appellant. In this view of the matter, we do not

find any merit in this appeal. However, since the suit is pending and filed in the year 1990, we

direct the trial court to decide the suit as expeditiously as possible preferably within one year

from the date of receipt of this order. A copy of this order may now be sent to the trial court.

Subject to the above directions, the appeal stands dismissed. There will be no order as to costs.

.....J.
(TARUN CHATTERJEE)

.....J.
(DALVEER BHANDARI)

New Delhi;
December 4, 2007.