

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.16438/2004

(From the judgement and order dated 14/05/2004 in APO 506/03
of The HIGH COURT OF CALCUTTA)

MAHALAKSHMI FIBRES & INDUSTRIES LTD.

Petitioner (s)

VERSUS

COTTON CORPORATION OF INDIA LTD. & ANR.

Respondent (s)

(With prayer for interim relief)

With
SLP(C)No.17416/2004
(with prayer for interim relief)

Date : 27/08/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE C.K. THAKKER
HON'BLE MR. JUSTICE TARUN CHATTERJEEFor Petitioner (s)Mr. Harish N. Salve, Sr. Adv.
Mr. Ramesh Singh, adv.
Mrs. Gouri Rasgotra, Adv.
Mr. Sanjeev Kumar, Adv.For Respondent (s)Mr. R.R. Dubey, Adv.
Mr. S.B. Upadhyay, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard.

The Court at Kolkata has directed the plaint to be returned for presentation to proper Court of territorial jurisdiction to try the suit in view of the agreement as to choice of jurisdiction voluntarily entered into between the parties.

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The learned counsel for the petitioner submits that the suit was filed at Kolkata in the year 1977 and the plaint presented before the Civil Court in Bombay now will be treated as a suit of the year 2004 and would obviously be subject to consequential delays. Though we do not find any fault with the view taken by the Division Bench of the High Court in its impugned order and the same is maintained, however, we request the Bombay High Court before which the plaint shall now be presented on the Original Side to keep in view the time already lost in the proceedings at Kolkata and give the suit a priority in the matter of hearing over other similar matters.

The special leave petitions are dismissed.

(Ajay Kr. Jain)
(Radha R. Bhatia)
Court Master
Court Master