

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).1264 OF 2001

M/s. International Engineers and Project
Consultants Ltd.Appellant

Versus

Asea Brown Boveri Ltd. & Ors.Respondents

ORDER

1. This appeal is directed against the judgment and order passed by a Division Bench of the High Court of Delhi on 17th of October, 2000 in FAO (OS) No. 299/1998 affirming an order dated 10th of November, 1998 passed by a learned single judge of the same High Court by which an application under Order 39 Rule 1 & 2 of the Code of Civil Procedure filed by the appellant for restraining the respondents from invoking and encashing the bank guarantee dated 14th of July, 1997 was dismissed. Against these concurrent orders refusing to grant injunction, the aforesaid appeal was preferred.

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2. This court, while granting leave, had refused to pass stay of the order impugned in this appeal.

3. The learned counsel appearing on behalf of the appellant submits that the bank guarantee in respect of which injunction was sought has already been encashed by the respondents. Such being the position, in our view, this civil appeal has become infructuous. Accordingly, this appeal is disposed of as infructuous. We, however, request the High Court to dispose of the pending suit at the earliest, preferably within one year from the date of supply of a copy of this order. Subject to the above directions, this appeal is dismissed as having become infructuous. There will be no order as to costs.

.....J.
(TARUN CHATTERJEE)

.....J.
(DALVEER BHANDARI)

NEW DELHI,
NOVEMBER 14, 2007
ITEM NO.112

COURT NO.11

SECTION XIV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 1264 OF 2001

M/S.INTERNATIONAL E.&P. CONSULTANTS LTD

Appellant (s)

VERSUS

ASEA BROWN BOVERI LTD. & ORS.

Respondent(s)

(With office report)

Date: 14/11/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s) Mrs Rachna Gupta,Adv.

For Respondent(s) Mr. Kanhaiya Priyadarshi, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. V.N. Kaura, Adv.

Mr. A. Mariarputham, Adv.

Mrs. Aruna Mathur, Adv.

M/S Arputham, Aruna & Co. ,Adv

UPON hearing counsel the Court made the following

ORDER

This appeal is dismissed as having become infructuous, in terms of signed order. There will be no order as to costs.

(A.D. Sharma)

Court Master

(Phoolan Wati Arora)

Court Master

(Signed Order is placed on the file)