

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.19004/1999
(From the judgement and order dated 11/08/1999 in AN 742/99
of The HIGH COURT OF BOMBAY)

AJANTA PHARMA LTD., MUMBAI

Petitioner (s)

VERSUS

AMARJIT SINGH BHATTY AND ORS.
(With prayer for interim relief)
(For Final Disposal)

Respondent (s)

Date : 12/12/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. R.F. Nariman, Sr. Adv.
Mr. Shri Narain, Adv.
Mr. Sandeep Narain, Adv.
Mr. A.K. Mittal, Adv.
for M/s. S. Narain & Co., Advs.

For Respondent 1 Mr. B.D. Sharma, Adv.
Mr. U.N. Goyal, Adv.
Mr. N. Vyas, Adv.

for R 2-3 Mr. Debasis Misra, Adv. (N.P.)

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

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The subject matter of these proceedings consists of three rooms over which the petitioner claims right pursuant to a sale conducted under the order of the court. In another suit instituted in 1995 an order was passed on 7.5.1997 for appointment of a receiver and that appointment covered the subject matter of the present proceedings also. Aggrieved by the order dated 7.5.1997 the petitioner, who was not a party in the 1995 suit, moved a motion of notice under Section 151 of the Civil Procedure Code. It was dismissed by a learned Single Judge (Nijjar, J.) holding that the remedy available to the petitioner was to file an appeal after obtaining leave.
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Instead of availing himself of that remedy the petitioner has chosen to challenge the order passed by the learned Single Judge in a Letters Patent Appeal (L.P.A.) before a Division Bench. The impugned order had been passed by the Division Bench, which reads thus:

"We have perused the record and heard learned counsel for the parties.
2. The order dated 22nd July 1997 passed by one of us (Kapadia, J.) in Suit No. 794 of 1995 also prima facie suggests that three rooms of the property stood excluded. Be that as it may, the appropriate remedy for the Appellants is to file a suit, if so permissible in law. The points sought to be urged in

