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SLP(C)No. 20419 OF 2000
ITEM No.35

Court No.10

SECTION IX
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.20419/2000

(From the judgement and order dated 16/10/2000 in AO 667/2000
of The HIGH COURT OF BOMBAY)

CHANDRAVATI MANOHAR SHETTY & ANR. Petitioner (s)

VERSUS

MAHANAGAR TELEPHONE NIGAM LTD. & ANR. Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment & with prayer for interim relief)

Date : 30/07/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. VA Mohta, Sr. Adv.
Mr. Deepak M.Nargolkar, Adv.

For Res No.1 Mr. VP Sharma, Adv.

For Res No.2 Mr. Uday Umesh Lalit, Adv.
Mr. Chinmoy A Khaladkar, Adv.
Mr. SK Nandy, Adv.

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

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Leave granted.

The appeal is disposed of in terms of the signed order
with no order as to costs.

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(D.L. Chugh)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file

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.....L.....I.....T.....T.....T.....T.....T.....T.....J
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4936 OF 2001@@

Chandravati Manohar Shetty & Anr.Appellants

VERSUS

Mahanagar Telephone Nigam Ltd. & Anr.Respondents

O R D E R@@
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Heard learned counsel for the parties.
Leave granted.

After admitting the appeal from order, by an interim order, the High Court issued an injunction in terms of prayer clause (a) of Civil Application till the disposal of the appeal. That order is challenged by filing this appeal.

Admittedly, the dispute is between two sisters. In the suit filed by respondent No.2, the City Civil Court, Mumbai has not granted interim injunction as prayed for. Hence, respondent No.2 preferred appeal from order before the High Court. At the time of admission of the said appeal, the High Court admitted the appeal and granted interim injunction as prayed for. Undisputedly, the appellants are in possession of the premises and that there was a telephone booth in the said premises. By the impugned injunction order MTNL is restrained from giving telephone connection to run a public communication centre. In this set of circumstances, particularly when the appellants were in possession of the ...2/-

- 2 -

suit premises before granting interim injunction the High Court ought to have fixed the matter for final hearing. By grant of this injunction, the High Court has virtually allowed the appeal without disposing of it on merits.

Hence, the impugned order passed by the High Court is set aside. The High Court to decide the appeal from order on merits as early as possible. Appeal stands disposed of accordingly with no order as to costs.

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.....J.@@
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(M.B. SHAH)@@
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(R.P. SETHI)@@
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New Delhi,
July 30, 2001