

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5906 OF 2014
(@ Special Leave Petition (C) No. 19180/2012)

CANBANK FACTORS LTD.

APPELLANT

VERSUS

STATE TRADING CORPORATION OF INDIA LTD.&ORS. RESPONDENTS

O R D E R

Leave granted.

Calling in question the legal acceptability of the order dated 20.03.2012 passed by the learned Judge in Summary Suit No. 929 of 2011 whereby he has granted unconditional leave to the defendant no.1, the present appeal has been preferred.

On perusal of the order, it is manifest no reasons have been ascribed. Learned counsel for the appellant has commended us to the decision in Ashok Umraomal Sancheti Vs. Rispal Chand (2000) 9 SCC 737 wherein it has been held as follows:-

"2. The dispute arises out of suits which had been filed by the appellants under Order 37 CPC. On applications for leave to defend being filed, the High Court granted unconditional leave.

Signature Not Verified

High
Digitally signed by
Naveen Kumar
Date: 2014.07.25

3. It would have been of assistance if the Court had given reasons as to why unconditional leave being granted. From the impugned orders, we are unable to fathom the reason for granting unconditional leave to defend."

In view of the aforesaid, we allow the appeal and set

aside the impugned order of the High Court and remit the case to the High Court for deciding the application for leave to defend. We may hasten to clarify that we have not expressed any opinion on the merits of the application. There shall be no order as to cost.

.....J.
(DIPAK MISRA)

.....J.
(V. GOPALA GOWDA)

NEW DELHI
JUNE 30, 2014

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CORRECTED

ITEM NO.49

COURT NO.10

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s). 19180/2012

(Arising out of impugned final judgment and order dated 20/03/2012 in SS 929/2011 in SS 929/2011 passed by the High Court Of Bombay)

CANBANK FACTORS LTD.

Petitioner(s)

VERSUS

STATE TRADING CORP. OF INDIA LTD. &ORS.

Respondents(s)

(With appln.(s) for permission to file additional documents and Prayer for Interim Relief and Office Report)

Date : 30/06/2014 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V GOPALA GOWDA

For Petitioner(s) Mr. Praveen Jain, Adv.
Ms. Gunjan S. Jain, Adv.
M/s. M.V. Kini & Associates

For Respondent(s) Mr. Gagan Gupta, Adv.

Mr. P.S. Narsimha, ASG
Ms. Sumedha Dang, Adv.
Ms. Madhu Sikri, Adv. (NP)

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

Leave granted.

Appeal is allowed in terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(RENUKA SADANA)
COURT MASTER

(Signed order is placed on the file)