

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20465/2008

(From the judgement and order dated 10/07/2008 in WP No. 2650/2007 of The HIGH COURT OF BOMBAY)

WYETH LTD.& ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief)

WITH SLP(C) NO. 20818-20819 of 2008

(With appln(s) for exemption from filing c/c of the impugned Judgment and prayer for interim relief)

Date: 29/08/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Mr. Dushyant A. Dave, Sr.adv.
Mr. S.H. Merchant, Adv.
Mr. Ankur Saigal, Adv.
Ms. Bina Gupta, Adv.
Mr. Gaurav Singh, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

The learned counsel for the petitioners submits that in several similar matters the High Court had directed deposit of only 50% of the principal amount, whereas in this case the High Court has directed the deposit of entire principal amount and in addition directed the petitioners to furnish security to the satisfaction of the Prothonotary and Senior

2

Master of the High Court in regard to the interest amount.

On the other hand, the respondents had referred to a case where 100% of principal amount was ordered to be deposited. Be that as it may.

As far as this case is concerned the petitioner has already deposited the principal amount.

The learned counsel for the petitioners submits that in no other case security is directed to be furnished in regard to the interest and if the petitioner is required to furnish a bank guarantee for a huge amount

exceeding Rs.9 crores, it will cause undue hardship to petitioner, apart from expenditure. We find that the Court has not directed that bank guarantee should be furnished for the interest amount, but has merely directed security to the satisfaction of the Prothonotary and Senior Master. Therefore, the assumption that the security should be only by way of bank guarantee may not be correct. The petitioner may approach the Prothonotary and furnish such security to the satisfaction of the Prothonotary and Senior Master. If the petitioner has any grievance about the security required, it can also seek appropriate order from the High Court.

In view of the above, we find no reason to interfere with the interim order of the High Court. The special leave petitions are accordingly dismissed.

(PAWAN KUMAR)
COURT MASTER

(ANAND SINGH)
COURT MASTER