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SLP(C)No. 23467-23468 OF 2003

ITEM No.210

Court No. 5

SECTION XIV

A/N MATTER

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.23467-23468/2003

(From the judgement and order dated 01/09/2003 in LPA 166/03  
& dt. 28.10.03 in CM 1773/2003 of The HIGH COURT OF DELHI AT N. DELHI)

M/S. HINDUSTAN ANTIBIOTICS LTD. & ANR.

Petitioner (s)

VERSUS

B.D. SHARMA & ANR.

Respondent (s)

( With Appln(s). for permission to place addl. documents on record & With prayer for interim relief)

( For Final Disposal )

Date : 16/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU

HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. Mukul Rohtagi, ASG  
Mr. Jay Savla.,Adv.

Ms. Reena Bagga, Adv.

Ms. Prerna Mehta, Adv.

For Respondent (s)Mr. Jitendra Mohan Sharma,Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order. No

costs.

(D.L.Chugh) (Vijay Aggarwal)  
AR-cum-PS Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2497-2498 OF 2004

(Arising out of SLP(C) Nos.23467-23468 of 2003)

M/S HINDUSTAN ANTIBIOTICS LTD. & ANR.Appellant(s)

versus

B.D. SHARMA & ANR.Respondent(s)

O R D E R

Leave granted.

Heard the learned counsel for the parties.

It appears that after conclusion of the arguments written submissions were filed before the Division Bench of the High Court, which could not be unfortunately taken note of by the Bench which heard the matter as the same were filed with Registry of the High Court. In the fitness of things, it would be appropriate for the Division Bench to decide the matter afresh after hearing the parties and taking note of the written submissions stated to have been filed. The order of the Division Bench of the High Court is set aside and the matters are directed to be restored to their original files. Since one of the Hon'ble Judge of the Division Bench who heard the matter earlier has retired it would be appropriate if the matter is heard afresh on merits in accordance with law. We make it clear that we have not expressed any opinion on the merits of the claim of the parties on either side. The appeals stand disposed of with no order as to costs.

.....J.  
(DORAISWAMY RAJU)

.....J.  
(ARIJIT PASAYAT)

New Delhi,  
APRIL 16, 2004