

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1447 of 2011
(arising out of S.L.P.(Civil)No.23447 of 2009)

SPECTRA SHELTERS P. LTD.

Appellant(s)

VERSUS

K. BALARAMAN

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the final judgment and order dated 8th June, 2009 in Contempt of Court Case No. 40 of 2009 (Civil).

We have heard the learned counsel for the respective parties and also perused the Interlocutory Application No.2 filed by the appellant herein in Arbitration Application No. 144 of 2008 from which it appears that the said application had been made under Section 9 of the Arbitration and Conciliation Act, 1996 read with Order 39 Rules 1 & 2 of the Code of Civil Procedure (CPC). However, while considering the appellant's application for Contempt, the High Court proceeded on the basis that the said Interlocutory Application No. 2 had been filed only under Order 39 Rules 1 and 2 CPC which is, on

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the face of it, incorrect.

Accordingly, we set aside the impugned order of the High Court and direct the High Court to reconsider the appellant's application for contempt on merits.

The appeal is disposed of accordingly.

.....J
(ALTAMAS KABIR)

