

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(s).23726/2009

(From the judgement and order dated 29/07/2009 in CA No.1/2009
of The HIGH COURT OF GUWAHATI, ASSAM)

KITPLY INDUSTRIES LTD.

Petitioner(s)

VERSUS

CALIFORNIA PACIFIC TRADING CORP.

Respondent(s)

(With prayer for interim relief)

Date: 23/10/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAM

For Petitioner(s)

Mr. Soli J. Sorabjee, Sr. Adv.
Mr. J.L. Gupta, Sr. Adv.
Mr. Abhishek Kumar, Adv.
Mr. Sanjay Bhatt, Adv.
Mr. Kishan Rawat, Adv.
Mr. S. Mahendran, Adv.

For Respondent(s)

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

In this case, although an important
question of law arises on the preliminary point of
maintainability, we are of the view that, on the
facts and circumstances of this case, the
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petitioner-Company should appear before the
Division Bench of the High Court where the appeal
is listed for further hearing. Let the High Court
decide all the points, which are arising in this
case. In case, the Division Bench of the High
Court ultimately decides the matter against the
petitioner, the petitioner is given liberty to move
this Court within a period of eight weeks from the
date of the decision. It is also made clear that
if the decision is adverse, then that decision will
not be implemented for a period of eight weeks to
enable the petitioner to move this Court.

Needless to add that the point of
maintainability is expressly kept open.

Subject to what is stated above, special
leave petition is disposed of.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Court Master