

ITEM NO.22  
(mentd.)

COURT NO.2

SECTION IX

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)...../2011  
CC 14039/2011

(From the judgement and order(s) in dated 18/08/2011 in ANL No.  
538/2011 of The HIGH COURT OF BOMBAY)

SATELLITE DEVELOPERS LTD.& ORS. Petitioner(s)

VERSUS

SUMERMAL MISHRIMAL BAFNA & ORS. Respondent(s)

(With appln(s) for permission,exemption and prayer for interim relief  
and office report )

Date: 25/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. Gopal Subramaniam, Sr. Adv.  
Mr. Rahul Pratap, Adv.  
Mr. Bhanu Sood, Adv.  
Mr. Krishna B.Murati, Adv.  
Mr. Sarvesh Singh Baghel, Adv.-on-record.

For Respondent(s)

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

Permission to file SLP granted.

This Special Leave Petition is directed  
against the order dated 18th August, 2011,  
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rejecting the petitioners' prayer for interim  
relief in the pending appeal under Clause 15 of the  
Letters Patent. The appeal appears to have been  
dismissed on the ground that although the members  
of the Hiranandani Group were necessary parties in  
view of right of preemption which they have under

the Articles of Association of the company, the petitioner herein did not agree to bring them on record as defendants in the pending suit.

Today, when the matter has been taken up at the very initial state of issuance of notice, it has been submitted by Mr. Gopal Subramaniam, learned senior advocate appearing for the petitioners, that they will add the members of the Hiranandani Group, as defendants in the suit and, accordingly, the application for interim relief, which had been dismissed solely on the ground mentioned hereinabove could be re-heard.

Having regard to the submissions made by Mr. Subramaniam, we see no reason as to why the matter cannot be disposed of in the manner, as suggested.

Accordingly, we dispose of the Special Leave Petition, upon recording Mr. Subramaniam's submissions that an application will be made in the suit for making the members of the Hiranandani Group, parties to the suit, as was indicated by the

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Division Bench of the Bombay High Court in the impugned order dated 18th March, 2011. If such an application is made, within two weeks from date, the impugned order of the High Court shall stand set aside and the High Court will, thereafter, on impleadment of the members of the Hiranandani Group, proceed to hear the petitioners' application for interim relief afresh.

For a period of two weeks, the directions contained in the order of 18th August, 2011, as far as the members of the Hiranandani Group is concerned, shall remain stayed.

There will be no orders as to costs.

(Sheetal Dhingra)  
COURT MASTER

(Juginder Kaur)  
Assistant Registrar