

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5877 OF 2010

(Arising out of SLP(C) No.18106/2007)

BPM INDUSTRIES LTD.

Appellant(s)

:VERSUS:

SAMARTH DEVELOPMENT CORPORATION

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 9.8.2007 passed by the learned Single Judge of the High Court of Judicature at Bombay in Misc. Civil Application No. 26 of 2007 whereby the High Court dismissed the Misc. Civil Application for transfer of the Suit No.429/452 of 2001 filed by the respondent in the Small Causes Court.

The appellant filed a suit on the original side of the Bombay High Court for declaration that the lease executed by the respondent inter alia stand renewed for a further period of 50 years from 1.5.1999. That suit is pending before the High Court of Bombay.

The respondent Samarth Development Corporation filed a suit being Suit No. 770/1421 of 1998 in the Small Causes Court at Mumbai under Sections 13(1)(i) and (k) of the erstwhile Bombay Rent Act, 1947, for eviction of the appellant - BPM Industries Limited. Samarth Development Corporation also filed a suit being Suit No. 429/452 of 2001 before the Small Causes Court, Mumbai, for eviction of the appellant herein.

The appellant BPM Industries Limited filed an application being Civil Misc. Application No.26 of 2007, praying therein that Suit No.429/452 of 2001 be transferred to the Bombay High Court and be heard along with Suit No.5254/99 pending in the Bombay High Court. That request has been declined by the learned Single Judge of the Bombay High Court by dismissing Civil Misc. Application No.26 of 2007. The appellant is thus before us challenging the judgment of the Single Judge passed in Civil Misc. Application No.26 of 2007.

We have heard the learned counsel for the parties. We are not inclined to interfere with the impugned judgment dated 9th August, 2007 passed by the learned Single Judge of the Bombay High Court.

However, in the peculiar facts and circumstances of this case, we request the Bombay High Court to dispose of Suit No.5254/99 as expeditiously as possible. Similarly, we request the Trial Court to dispose of Suit No.770/1421 of 1998 and Suit No.429/452 of 2001 as expeditiously as possible. No further directions are necessary in this appeal.

We request the parties to cooperate with the Trial Court and to avoid unnecessary adjournments.

This appeal is accordingly disposed of.

S.L.P.(C) No.20787/2007:

In view of the order passed in the above civil appeal, no orders are necessary to be passed in this petition. This special leave petition is accordingly disposed of.

JUDGMENT

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
July 21, 2010.