

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Civil) No.27519/2008
(From the judgment and order dated 02/07/2008 in AFO No.418/2008 of The
HIGH COURT OF BOMBAY)

MUMBAI INTERNATIONAL AIRPORT P.LTD.

Petitioner(s)

VERSUS

INDAMER COMPANY P.LTD.& ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and
directions and permission to place addl. documents on record and permission
to file additional documents and with prayer for interim relief and office
report)
(FOR FINAL DISPOSAL)

Date: 15/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s)

Mr. U.U. Lalit, Sr. Adv.
Mr. Ashish Jha, Adv.
Ms. Meenakshi Chatterjee, aDv.
for M/s "Coac"

For Respondent(s)

Mr. T.S. Sidhu, Adv.
Ms. Pallavi Mohan, Adv.
Mr. Sumit Gupta, Adv.
Mr. Ashish Suman, Adv.
Mr. Junaid Akthar, Adv.
for M/s M.V. Kini & Associates

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

Leave granted.

The appeal is disposed of in terms of the signed non-
reportable order.

| (VINOD LAKHINA)

| COURT MASTER

| | (INDU BALA KAPUR)

| | COURT MASTER

|

(SIGNED NON-REPORTABLE ORDER IS PLACED ON THE FILE)

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3883 OF 2013

[Arising out of Special Leave Petition (Civil) No.27519 of 2008]

MUMBAI INTERNATIONAL AIRPORT

PRIVATE LTD.

...APPELLANT

VERSUS

INDAMER COMPANY PRIVATE LIMITED
& ANR.

...RESPONDENTS

ORDER

Leave granted.

This appeal was filed against interim order, dated 2nd July, 2008, in Appeal From Order No.418 of 2008 in Notice of Motion No.82 of 2007 in Short Cause Suit No.45 of 2007. By the aforesaid order,, the High Court had granted a limited injunction that pending the hearing and final disposal of the suit the appellant shall not dispossess or interfere with the possession of respondent No.1 except by due process of law.

Subsequent to the passing of the aforesaid order, the appellant has settled the entire dispute with respondent No.1, who has already vacated the suit premises and has occupied another space, under the subsequent independent arrangement

...2/-

:2:

between the parties. In the application (I.A. NO.5/2013 in SLP(C) NO.27519/2008) filed on behalf of appellant for seeking permission to file additional documents, it has been brought to our notice that the aforesaid suit in which the interim order had been passed was actually dismissed on 28th June, 2012. Since the suit in which the interim order had been passed has been dismissed, obviously, the impugned order also cannot be sustained.

In view of the above, the impugned order passed by the High Court is set aside.

The appeal is disposed of with the aforesaid observations.
No costs.

....., J.
(SURINDER SINGH NIJJAR)

....., J.
(PINAKI CHANDRA GHOSE)

NEW DELHI
APRIL 15, 2013