

ITEM NO.26

COURT NO.5

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 13446/2016

(Arising out of impugned final judgment and order dated 31/03/2016 in APP No. 868/2014 31/03/2016 in APP No. 11/2016 passed by the High Court of Bombay)

RAHEJA UNIVERSAL PVT. LTD.

Petitioner(s)

VERSUS

B.E. BILLIOMORIA AND CO. LTD.

Respondent(s)

(With interim relief and office report)

Date : 13/05/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Punit Dutt Tyagi, Adv.
Mr. Ankit Parhar, Adv.
Mr. Ambarish Pandey, Adv.
Ms. Abhilash Chaudhary, Adv.

For Respondent(s) Mr. Basant R., Sr. Adv.
Mr. P. I. Jose, Adv.
Mr. Kunal Manav, Adv.
Mr. Nitin Kumar Singh, Adv.

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

Issue notice. In the meanwhile, there shall be interim stay of the operation of the impugned order of the High Court. However, Mr. Basant R., learned senior counsel appearing for the caveator/respondent submits that the machinery belonging to the sole caveator/respondent is lying at the site within the control of the petitioner, therefore, the respondent may be permitted to remove its machinery.

Learned counsel for the petitioner does not object to the said prayer.

In the circumstances, the caveator/respondent is permitted to remove its machinery in the presence of some duly authorized person on behalf of the petitioner after taking note of appropriate inventory. This is without prejudice to the rights and claims of the respondent.

(SWETA DHYANI)
SR.P.A.

(RAJINDER KAUR)
COURT MASTER