

ITEM NO.26

COURT NO.11

SECTION XVI

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 15322/2019

(Arising out of impugned final judgment and order dated 09-01-2019 in CO No. 1251/2018 passed by the High Court At Calcutta)

SARITA AGARWALA & ORS.

Petitioner(s)

VERSUS

RUBY GANGULY & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.74502/2019-CONDONATION OF DELAY IN FILING and IA No.74503/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 09-05-2019 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s)

Mr. Jaideep Gupta, Sr. Adv.
Mr. Joy Saha, Sr. Adv.
Mr. Vivek Jhunjhunwala, Adv.
Mr. Rakesh Sinha, Adv.
Mr. Ajay Bhargava, Adv.
Ms. Vanita Bhargava, Adv.
Ms. Trishala Trivedi, Adv.
for M/S. Khaitan & Co., AOR

For Respondent(s)

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

Delay condoned.

An application under Order VII Rule 11(d) of the Code of Civil Procedure 1908 was rejected. The High Court in its revisional jurisdiction has declined to interfere with the order.

We are of the considered view that the objection which was raised on behalf of the petitioners could not have been dealt with in an application under Order VII Rule 11(d). However, we clarify that the impugned order shall not stand in the way of the petitioners raising this as a part of an appropriate defence at the trial of the suit.

With liberty reserved in the above terms to the petitioners, we dismiss the Special Leave Petition.

Pending application(s), if any, shall also stand disposed of.

(MANISH SETHI)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
BRANCH OFFICER