

has already been filed in which the petitioners have taken out an application raising preliminary objection, including for rejection of plaint under Order 7 Rule 11 of Code of Civil Procedure.

In that case, nothing more is required to be said in this Special Leave Petition, except that the observation made by the High Court in paragraph 25 of the impugned judgment and order will not come in the way of the parties to raise all contentions available in the said suit which will have to be decided on its own merits and in accordance with law.

We reiterate the observation made in paragraph 25 of the impugned judgment and order, which permits the respondent to file fresh suit if "fresh cause of action" had arisen because of memorandum of understanding.

The Special Leave Petition is disposed of accordingly.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)