

ITEM NO.14 Court 5 (Video Conferencing) 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

Petition(s) for Special Leave to Appeal (C) No.11742/2020

(Arising out of impugned final judgment and order dated 24-08-2020 in FMAT No. 210/2020 passed by the High Court at Calcutta)

ANANT WIRES PRIVATE LIMITED THROUGH DIRECTOR Petitioner(s)

VERSUS

TEA PACKERS (INDIA) PRIVATE LIMITED THROUGH DIRECTOR Respondent(s)

(With appln.(s) for I.R. and IA No.99471/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.99475/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.99476/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mrs. Geeta Luthra, Sr. Adv.
Mr. Nitin Saluja, AOR
Mr. Prateek Yadav, Adv.
Ms. Shivani Luthra Lohiya, Adv.

For Respondent(s)

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

- 1 In a suit for declaration and injunction filed by the petitioners, an ad-interim order of injunction was vacated by the trial court on the application of the defendants under Order XXXIX Rule 4 of the Code of Civil Procedure. The order has been upheld by the High Court. However, the High Court has observed that this would not prevent the petitioners, who are the original plaintiffs, from applying before the trial Judge for appropriate reliefs for establishing their legal rights and proof of occupation.

- 2 Ms Geeta Luthra, learned senior counsel appearing on behalf of the petitioners submits that certain observations which have been made in the earlier part of the judgment of the High Court, may come in the way of the petitioners espousing their rights if they adopt the remedies in pursuance of the liberty which has been granted by the High Court.
- 3 The observations in the impugned order of the High Court are evidently at the interlocutory stage since an interlocutory injunction granted initially was vacated by the trial Judge and it was that order which was challenged by the petitioners before the High Court. Hence, it only needs to be clarified that in the event that the petitioners, in pursuance of the liberty granted by the High Court, adopt appropriate proceedings in accordance with law, the observations of the High Court in the impugned order shall not be treated as final and conclusive in any adjudication that is required on the application.
- 4 Subject to the aforesaid, the Special Leave Petition is disposed of.
- 5 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master