

ITEM NO.16

COURT NO.8

SECTION XII

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). 2535/2020

(Arising out of impugned judgment and order dated 16-12-2019 in CRP No. 3962/2019 passed by the High Court Of Judicature At Madras)

M/S CENTURY LEATHERS (P) LTD. &amp; ORS.

PETITIONER(S)

VERSUS

R. KRISHNAMOORTHY &amp; ANR.

RESPONDENT(S)

(NOT TAKEN UP FROM 17.08.2022)

(IA No. 25513/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 169151/2021 - CLARIFICATION/DIRECTION, IA No. 25516/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Mr. Nidhesh Gupta, Sr. Adv.  
Mr. Roopansh Purohit, AOR  
Ms. Geeta Mohanty, Adv.  
Ms. Poonam Lau, Adv.  
Mr. Ajay Sharma, Adv.  
Mr. Rohit Yadav, Adv.  
Mr. Ankit Choubey, Adv.  
Ms. Japneet Kaur, Adv.

For Respondent(s) Mr. Jaideep Gupta, Sr. Adv.  
Mr. Karpaga Vinayagam, Sr. Adv.  
Mr. G.sivabalamurugan, AOR  
Mr. Selvaraj Mahendran, Adv.  
Mr. Adhikesavan, Adv.  
Ms. Merlyn Rachel, Adv.  
Ms. Meenakshi Rawat, Adv.  
  
Mr. Gagan Gupta, AOR

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

The present petition has been filed at the instance of the petitioner/defendant assailing order of the trial Court rejecting his application filed under Order VII Rule 11 CPC and that came to be confirmed by the High Court in its revisional jurisdiction under the order impugned.

It may be relevant to note that in the first instance when the application was filed by the petitioner/defendant under Order VII Rule 11 CPC he impressed upon two legal questions. (i), the plaint does not disclose cause of action (ii), suit appears from the statement in the plaint to be barred by law.

So far as first question is concerned, it was not pressed before us.

So far as second question is concerned that the plaint to be barred by law, the trial Court after detailed discussion concluded that it is the matter of trial and no view can be expressed at this stage and that was confirmed by the High Court in its revisional jurisdiction under the order impugned.

After we have heard the learned Counsel for the parties, find no reason to interfere in the order impugned.

The suit was instituted in the year 2018 and both the parties jointly made a request that it will be in the interest of parties if the suit is disposed of at the earliest.

The trial Court shall conclude OS 27/2018 as expeditiously as possible but in no case later than one year.

Let the parties may record their appearance before the trial Court on 14.11.2022.

The interim order passed by this Court dated 19.05.2022 granting status quo shall continue up to 30.11.2022 and the parties are at liberty to file an application seeking further orders before the trial Court.

The Special Leave Petition stands dismissed in the aforesaid terms.

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

(POOJA SHARMA)  
COURT MASTER (SH)

(MONIKA DEY)  
COURT MASTER (NSH)