

ITEM NO.7

COURT NO.5

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). 35285/2019

(Arising out of impugned final judgment and order dated 10-10-2018 in GA No. 3490/2014 passed by the High Court At Calcutta)

OCTAVIUS TEA AND INDUSTRIES LTD

Petitioner(s)

VERSUS

LAKSHMI CHAND GARG &amp; ORS.

Respondent(s)

(IA No.196519/2019-CONDONATION OF DELAY IN FILING and  
IA No.196521/2019-EXEMP.FROM FILING C/C OF THE IMPUGNED JUDGMENT,  
IA No.196520/2019-CONDON.OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 07-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI  
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Ajit Kumar Sinha, Sr. Adv.  
Mr. Vikas Sethi, Adv.  
Mr. Ivan, Adv.  
Mr. Deepak Goel, AOR

For Respondent(s)

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

Delay condoned.

The earlier petition, SLP(C)No.7451 of 2019, filed by the petitioner challenging the Order of the High Court dated 10.10.2018 (common order) in G.A. No.3491/2014, has been dismissed by this Court on 05.03.2019.

Mr. Ajit Kumar Sinha, learned senior counsel appearing for the petitioner, has submitted that in view of the subsequent judgment passed by this Court in Madhav Prasad Aggarwal & Anr. v. Axis Bank Ltd. & Anr. - Civil Appeal No.5126 of 2019 (arising out of

SLP(C)No.31579 of 2018) and batch of matters pronounced on 01.07.2019, the petitioner has filed the present special leave petition challenging order of the High Court dated 10.10.2018 (common order) in G.A.No.3490 of 2014. It is submitted that based upon the above judgment petitioner is now raising the ground that the plaint prayer cannot be bifurcated as (i) before the Arbitral Tribunal (ii) another before the regular civil court and the parties cannot be asked to agitate their rights before two fora.

After making the above submissions, learned senior counsel seeks leave to withdraw the special leave petition with liberty to file review.

The special leave petition is disposed of as withdrawn with the liberty as prayed for.

Pending applications, if any shall also stand disposed of.

(MAHABIR SINGH)  
COURT MASTER

(BEENA JOLLY)  
BRANCH OFFICER