

ITEM NO.20

COURT NO.7

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 35695/2019

(Arising out of impugned final judgment and order dated 18-01-2019 in CRPPD No. 3100/2018 passed by the High Court Of Judicature At Madras)

A. R. SURESH & ORS.

Petitioner(s)

VERSUS

M/S TEK SMART GROUP & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.154084/2019-CONDONATION OF DELAY IN FILING and IA No.154086/2019-EXEMPTION FROM FILING O.T. and IA No.154090/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Vikas Singh, Sr. Adv.
Ms. Deepika Kalia, Adv.
Mr. Mrityunjai Singh, Adv.
Mr. R. Murali, Adv.
Mr. M.S. Saran Kumar, Adv.
Mr. Naresh Kumar, AOR

For Respondent(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. G. Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.
Mr. M. Vivek Bharathi, Adv.
Mr. Aroon Menon, Adv.
Ms. Ankita Tiwari, Adv.
Mr. Ayush Kaushik, Adv.

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

Delay condoned.

We have heard counsel for the parties.

We decline to interfere in this special
leave petition.

However, we clarify that the trial Court may examine the application preferred by the petitioners and first ascertain as to whether it is a composite application under Order VII Rule 11 as well as Order VI Rule 16 of the Code of Civil Procedure on the basis of the parameters applicable to those provisions and then decide the same on its own merits expeditiously.

Additionally, we give liberty to the petitioners to file a formal separate application under Order VI Rule 16 of the Code of Civil Procedure, if so advised. If filed, the trial Court to consider the concerned application on its own merits in accordance with law uninfluenced by the observations made in the impugned judgment of the High Court or for that matter its earlier order which has since been set aside by the High Court.

The application(s) be decided by the trial Court expeditiously and not later than two months from the date of receipt of copy of this order.

The special leave petition and pending application(s), if any, shall stand disposed of in the above terms.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER