

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8932 OF 2019
[@ SPECIAL LEAVE PETITION (C) NO. 25097 OF 2019]

VORA FASTNERS PRIVATE LIMITED Appellant (s)

VERSUS

MAGNUM PROPACK PRIVATE LIMITED Respondent(s)

O R D E R

Leave granted.

The learned Single Judge, vide order dated 15.09.2015 in CP No. 545 of 2015, has observed as follows :-

"Since it is evident that the company has been able to raise a triable issue for the same to be urged in course of a more protracted trial than is ordinarily possible in this jurisdiction, CP No. 545 of 2015 is permanently stayed and the petitioner is given liberty to pursue the claim by way of a suit, if the disputes are not covered by any arbitration agreement, in accordance with law."

In view of the aforesaid findings which were proper, we find that the Division Bench was not justified in interfering with the same and in issuing the directions in the impugned order.

Thus, the impugned Judgment and order is set aside and that of the learned Single Judge is

restored. However, the observations made by the learned Single Judge shall not come in the way of the pending proceedings.

In view of the above, the appeal is allowed.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.
[ARUN MISHRA]

.....J.
[INDIRA BANERJEE]

New Delhi;
NOVEMBER 22, 2019.

ITEM NO.24

COURT NO.3

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(s). 25097/2019

(Arising out of impugned final judgment and order dated 29-08-2019 in APO No. 467/2015 passed by the High Court At Calcutta)

VORA FASTNERS PRIVATE LIMITED

Petitioner(s)

VERSUS

MAGNUM PROPACK PRIVATE LIMITED

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 22-11-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. Ashish Choudhury, Adv.
Mr. Rohit Amit Sthalekar, AOR

For Respondent(s) Mr. Biswajit Ghosh, Adv.
Mr. Subhasish Bhowmick, AOR
Mr. S. Sengupta, Adv.
Ms. Manisha Pandey, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)