

ITEM NO.1

COURT NO.13

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 6394/2017

(Arising out of impugned final judgment and order dated 29-10-2015 in WPC No. 11821/2004 passed by the High Court Of Orissa At Cuttack)

ATLANTA INFRASTRUCTURE LIMITED NOW KNOWN AS ATLANTA LIMITED.
Petitioner(s)

VERSUS

DELTA MARINE COMPANY & ANR.

Respondent(s)

IA No. 9436/2019 - STAY APPLICATION)

WITH
SLP(C) No. 13635/2017 (XI-A)
FOR STAY APPLICATION ON IA 9429/2019
IA No. 9429/2019 - STAY APPLICATION)

Date : 19-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) **Ms. Meenakshi Arora, Sr. Adv.**
 Mr. Chirag M. Shroff, AOR
 Ms. Mahima C. Shroff, Adv.
 Mr. Akshay Sharma, adv.

For Respondent(s) **Mr. Anupam Lal Das, Sr. Adv.**
 Mr. Dipesh Sinha , AOR
 Mr. Anirudh Singh, Adv.
 Mr. krishanu Barua, Adv.

Mr. Arjun Harkauli, AOR

Ms. Seema Gupta, Adv.

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

IN SLP(C) No.6394/2017

We find it completely unacceptable that the injunction suit against bank guarantee is pending trial since 2001 ! The parties have been battling only on the interim injunction.

It is trite to say that interim order is only to preserve right *inter se* the parties pending trial of the suit. It does not envisage putting the suit in a cold storage as it appears to have been happened in the present case. We cannot countenance the situation of such prolongation of the suit and it is the duty of the judicial officer to see that the suit is tried and does not keep pending merely by reason of the pendency of the interim proceeding which cast no shadow on the main suit. These observations really go beyond the present case so far as this aspect is concerned.

We consider it appropriate to direct that the trial court must proceed with the trial of the suit and conclude the suit proceeding within a maximum period of six months from the date of receipt of this order and the compliance report be sent by the judicial officer within a period of six months as stated aforesaid.

The parties will cooperate for a day to day trial in the suit.

The special leave petition accordingly stand disposed of.

IN SLP(C) No. 13635/2017

We are not herein inclined to interfere with the impugned judgment and order in view of the aforesaid. Consequently, the special leave petition is dismissed.

Pending application, if any, also stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(ANITA RANI AHUJA)
COURT MASTER (NSH)