

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3650 OF 2017

**Chairman, Khadi & Village
Industries Commission and Another**

Appellant(s)

Versus

**Abhoy Ashram Sramik Karamchari Union
and Another**

Respondent(s)

O R D E R

The present appeal, by special leave, calls in question the legal acceptability of the order dated 4th August, 2015, passed in C.O. No.2814 of 2013 by the learned Single Judge of the High Court at Calcutta.

It is submitted by the learned counsel for the appellant that the High Court while hearing the revision that travelled from the court of Additional District Judge at Barrackpore in Misc. Appeal No.11/2010 pertaining to an order passed under Order 39 Rules 1 and 2 of the Code of Civil Procedure, has made certain observations and declined to interfere, as a result of which the stand of the Khadi & Village Industries, the appellant herein, is affected. It is necessary to mention here that though leave has been granted, no stay order had been passed by this Court. We have been apprised that the Title Suit No.188 of 1993 is pending in the court of 3rd Munsiff at Sealdah and there has been no progress despite no stay having been granted by this Court.

Having heard learned counsel for the appellant, we think it appropriate to direct the learned Civil Judge (Junior Division), 3rd Court at Sealdah, to dispose of the aforesaid title suit by end of April, 2018, and the factum of disposal shall be intimated to the Registry of this Court. We may hasten to add that while disposing of the suit, the learned trial Judge shall not be influenced by the order passed in appeal by the appellate court nor any of the observations made by the High Court. Though this is a fundamental principle, we have made it clear regard being had to the apprehension expressed by the learned counsel for the appellant.

The appeal and the interlocutory applications stand disposed of accordingly. There shall be no order as to costs.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi
December 04, 2017.

R E V I S E D

ITEM NO.4

COURT NO.1

SECTION XVI

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

Civil Appeal No.3650/2017

CHAIRMAN, KHADI AND VILLAGE, INDUSTRIES
COMMISSION & ANR.

Appellant(s)

VERSUS

ABHOY ASHRAM SRAMIK KARAMCHARI UNION & ANR.

Respondent(s)

(With appln.(s) for expeditious hearing of the appeal)

Date : 04-12-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s) Mr. Chandra Prakash, AOR
Mr. Vivek Singh, Adv.
Mr. Rahul R., Adv.

For Respondent(s)
Mr. Vipin Kumar Jai, AOR

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

The appeal and the interlocutory applications stand
disposed of in terms of the signed order.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar

(Corrected Signed order is placed on the file)

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