

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2009
(Arising out of SLP (C) No. 15654 of 2008)

Sahara India Commercial Corpn. Ltd.

..Appellant

Versus

B. Jeejeebhoy Vakharia and Ors.

..Respondents

WITH

Civil Appeal No. _____/2009
(Arising out of SLP (C) No. 19366 of 2008)

Civil Appeal No. _____/2009
(Arising out of SLP (C) No.19520 of 2008)

J U D G M E N T

Dr. ARIJIT PASAYAT, J.

1. Leave granted.

2. Though many points were urged in support of the appeals we dispose of the appeals with the following directions:

- (i) Let the suit No.3376 of 2005 on the file of the Bombay High Court be disposed of as expeditiously as possible preferably within a period of three months from today. We request the Hon'ble Chief Justice of Bombay High Court to pass necessary orders in the matter and direct the matter to be placed before an appropriate Bench. The suit shall be decided uninfluenced by any observations or findings in the impugned judgment dated 11.12.2008 of the Division bench and observations and findings of the judgment of learned Single Judge dated 4.6.2007.
- (ii) To expedite the disposal of the suit oral evidence may be directed to be taken on affidavit and/or on commission as provided in the Code of Civil Procedure, 1908 (in short the 'Code'). The filing of documents, admission and denial thereof and framing of issues shall be completed within one month from today.
- (iii) It appears that the plaintiff had filed an appeal (L) No.409 of 2009 against the order dated 24.6.2008 on Chamber Summons

No.587 of 2007. The same shall be disposed of as expeditiously as possible preferably within a period of one month from today.

3. It is submitted that by virtue of the order passed on the Chamber Summons on 24.6.2008, a learned Judge has observed that the suit is not maintainable against defendant No.4. Since we have directed appeal against this order to be disposed of within one month, liberty is given to defendant No.4 to apply for variation and discharge of the undertaking upon disposal of the appeal in its favour. The Appeal Court will dispose of the said appeal uninfluenced by undertaking given by respondent No.4 herein. It is made clear that we have expressed no opinion on the merits of the case.

4. The appeals are accordingly disposed of.

.....J.
(Dr. ARIJIT PASAYAT)

.....J.
(ASOK KUMAR GANGULY)

New Delhi,
February 05, 2009