

PETITIONER:
DR. RAJESHWAR KUMAR MALHOTRA & ANR. ETC.

Vs.

RESPONDENT:
M/S.LLOYD ELECTRIC ENGINEERING LTD. & ORS.

DATE OF JUDGMENT: 20/12/1996

BENCH:
K. RAMASWAMY, G.T. NANAVATI

ACT:

HEADNOTE:

JUDGMENT:

WITH
CIVIL APPEAL NO.16990 OF 1996
(Arising out of SLP (C)No.22769 of 1996)
O R D E R

Leave granted .

We have heard learned counsel on both sides.

Intervention is permitted .

These appeals by special leave arise from the order of the High Court of Rajasthan, made on October 24, 1996 in Revision Petition No.715/96. One matter relates to the two individuals, i.e., appellants in appeal arising out of SLP (C) No. 22164, namely, Dr. Rajeshwar Kumar Malhotra and S.Srinivasan. This Court on November 26,1996 directed as under:

"We do not find any substance in the appeal as regards the injunction against the individual petitioner is concerned. But as regards the injunction against the Company Shri Salve, learned senior counsel appearing for the respondents seeks for and is granted one week's time as to how the injunction requires to be modulated."

Accordingly, the matter was adjourned. Today, Shri Soli J.Sorabjee, learned senior counsel appearing for the appellant in appeal arising out of SLP (C) No.22769/96, namely, appeal filed by the company has stated that in the rejoinder affidavit, the appellant has stated that the aforestated two persons resigned from the respective posts held by them in the company. As a result, they are no longer continuing in the company. It is also pointed out that share held by the different groups as stated at page 148 of the additional paper-book filed in this case, are different and varied. So, no injunction can be granted against the company much less due to the change in the circumstance. We find force in the contention. Though the learned counsel appearing for the respondents, Sri Harish Salve, seeks to contend that the bank had granted loan to the appellants

with a condition that the aforestated two persons would be required to continue to work in the company. Therefore it is only a make-believe show to see that no injunction is granted against the company and the one granted against the company and the one granted by the High Court is vacated. We do not find any justification for the contention as on today. If the two persons really still work for the company in any form and in any manner, it is open to the respondents to approach the trial Court for appropriate relief. As facts stand today, injunction granted by the High Court against the company is not warranted.

The appeals are accordingly allowed with the above liberty. The injunction order granted against the company stands dissolve. No costs.

JUDIS