

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

TRANSFER PETITION (C) NO. 221 OF 2008

**M/S. B.D.A.BREWERIES &
DISTILLERIES LTD.**

..PETITIONERS

VERSUS

M/S. VINEDALE DISTILLERIES LTD.

.. RESPONDENT

ORDER

This is a transfer petition filed by M/s. B.D.A.Breweries & Distilleries Ltd. for transfer of O.S.No. 400 of 1994 pending before the III Additional Judge, City Civil Court, Secunderabad, to Delhi High Court.

On 4.1.2008, by an order passed in T.P.(C) No. 845 of 2006, this Court had transferred several matters touching the respondents, M/s. Vinedale Distilleries Ltd., to the Delhi High Court, with a request to the Hon'ble Chief Justice to direct the same to be taken up by the same learned Judge hearing other pending matters. We had also directed that in the event there were any pending appeals arising out of the suits which had been transferred by the said order, the same would also stand transferred and would be heard by the appropriate Division Bench of the Delhi High Court. In addition, we had observed that in order to avoid future confusion, any suit, which might be filed in future touching upon the control and management of the company in question, should be filed before the Delhi High Court which will decide the matter.

It may not be out of place to mention that out of three suits, namely, O.S.No. 376/1994, 389/1994 and 400/1994, the first two suits have already been

third suit to the Delhi High Court also.

Having heard learned counsel for the respective parties and having regard to the earlier order passed on 4.1.2008, we direct that O.S.No. 400/1994, pending in the Court of III Additional Judge, City Civil Court, Secunderabad, be transferred to the Delhi High Court, with the request that the same be taken up with the other matters expeditiously.

We have been informed by Mr. E.C.Agrawala, appearing for the respondent, that despite our order of 4.1.2008, not much headway has been made in the pending proceedings before the High Court. In fact, he has shown us an order dated 7.7.2008, involving an I.A. for amendment of the plaint which according to him has been made after fifteen years.

In view of the above, we request the High Court to ensure that no unnecessary adjournments are allowed in these pending matters and even if it becomes absolutely necessary for an interlocutory application to be made, the same is to be disposed of at the earliest opportunity. This will also include applications which have been made and are still pending. We also make it clear that the disposal of these interlocutory applications should not come in the way of early disposal of the suits.

Since we have been informed by Mr. E.C.Agrawala that O.S.No.400/1994, which is being transferred, is at the stage of evidence, we would further request the Delhi

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High Court to take up the said suit from the said stage and dispose of the same expeditiously in terms of this order.

Transfer petition is allowed. There will be no order as to costs.

.....J.
(ALTAMAS KABIR)

.....J.
(MARKAANDEY KATJU)

New Delhi,
July 22, 2008.