

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1061340

Court : Kolkata

Decided On : Aug-07-2012

Judge : Bench

Appellant : Appellant

Respondent : Respondent

Judgement :

G.A.2002 of 2012 APOT 35 of 2012 C.S.373 of 1992 IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction Original Side ALLIED BLENDERS & DISTILLERS PVT.LTD.Versus UNITED SPIRITS LTD.& ORS.Appellant Respondents BEFORE: The Hon'ble CHIEF JUSTICE JAINARAYAN PATEL The Hon'ble JUSTICE SOUMEN SEN Date :

7. h August, 2012.

For the Appellant : Mr.Sudipto Sarkar, Sr.Advocate with Ms.Moushumi Bhattacharya and Mr.Partha Basu, Advocates For Respondent No.1 : Mr.S.B.Mookherjee, Sr.Advocate with Mr.Ratnanko Banerji Mr.J.Munim and Mr.T.Aich, Advocates THE COURT : There shall be an order in terms of prayer (a) of the petition.

We have heard the learned counsel for the parties on the stay application.

There shall be of the order in so far as stay of operation Allied Blenders & Distillers Pvt.LTD.would be required to file Written Statement in the suit consequent upon the amendment of the Plaint till the disposal of the appeal or until further ordeRs.whichever is earlier.

Let the hearing of the appeal be expedited.

Requisite numbers of informal paper book be filed by the appellant within six weeks from date.

All papers and documents used before the learned interlocutory learned Trial Court in that are disposed forming the subject applications single Judge respect of all the by the matter of of challenge be included in the informal paper book.

Service of notice of appeal upon Respondent No.1 is waived.

The appellant is directed to serve notice of appeal upon the rest of the respondents.

Settlement of Index is dispensed with, although an informal Index be attached to the paper book to be filed herein.

Mr.S.B.Mookherjee, learned Senior Counsel appearing for the petitioner submits that the question of maintainability of the appeal may be kept open in view of the fact that an appeal should not ordinarily lie against an order adding a party to the proceedings as it is not a judgment within the meaning of Clause 15 of the Letters Patent.

This issue is kept open.

There shall be stay of all further proceedings against the appellant in C.S.No.373 of 1992.

The learned counsel for the respondent No.1 wants to file Cross Objection within a week from date.

Such leave is granted.

Since no affidavits are called for in the matter, allegations contained in the petition are deemed not to have been admitted.

The stay petition is disposed.

All undertakings are discharged.

Liberty to mention after filing of paper books.

Photostat available to certified the copy parties upon of this order compliance formalities.

(J.N.PATEL, C.J.) (SOUMEN SEN, J.) Rs.AR(CR) be of made usual

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