

Pavan Sachdeva and anr. Vs. S.M.S. Pharmeceuticals Ltd. and anr.

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Court : Supreme Court of India

Decided On : Oct-08-2009

Reported in : 2008(10)SCC803

Judge : B.N. Agrawal; G.S. Singhvi, Jj.

Acts : Code Of Civil Procedure

Appeal No. : Civil Appeal No.5410 of 2008 (Arising out of S.L.P. (C) No.21540 of 2006)

Appellant : Pavan Sachdeva and anr.

Respondent : S.M.S. Pharmeceuticals Ltd. and anr.

Judgement :

1. Leave granted.
2. Heard learned counsel for the parties.
3. The Trial Court passed ex-parte decree in a summary suit. The appellants filed an application for setting aside the ex-parte decree and also for condonation of delay. The same was registered as I.A. No.1224 of 2000. The Trial Court, by its order dated 23rd February, 2001, allowed the application. That order was set aside by the High Court and the matter was remitted to the Trial Court for fresh disposal of I.A.No.1224 of 2000.

4. Having heard learned counsel for the parties and perused the records, we are convinced that the High Court was not justified in interfering with the order of the Trial Court because the same did not suffer from any error of jurisdiction or material irregularity in exercise of jurisdiction. As a matter of fact, the High Court has not recorded any finding on this issue.

5. Accordingly, the appeal is allowed, the order passed by the High Court is set aside and the one passed by the Trial Court is restored. The Trial Court shall now decide the summary suit afresh in accordance with law.

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