

M/s. K. C. Films

Vs

M/s. Ashirwad Films Pvt. Ltd.

Special Leave Petitions (Civil) Nos. 882 and 1861 of 1988

(Sabyasachi Mukharji, L. M. Sharma JJ)

14.07.1988

ORDER

1. Having considered the facts and circumstances of the case and having regard to the fact that an order has been made on January 8, 1988 granting conditional decree on the terms and conditions mentioned in the order, further it appears that the present petitioner has failed to fulfil the conditions of deposit, further it appears that suit would now appear in the list for disposal before the High Court, all interim orders are vacated hereby. The petitioner is at liberty to go to apply for arbitration by an appropriate application. If such an application is made the High Court will consider the matter on merits irrespective of the observations made by the High Court in its judgment on October 27, 1987. The aforesaid order will take effect only if the suit is not decreed ex parte in view of the default of the petitioner.

2. In view of the aforesaid, we do not interfere in this matter under Article 136 of the Constitution and it is disposed of without any other directions.

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