

SUPREME COURT OF INDIA

Mulk Raj Chhabra

Vs.

New Kenil Worth Hotels Ltd.

C.A.No.14887 of 1999

(S. B. Majmudar and D. P. Mohapatra, JJ.)

03.01.2000

ORDER

1. Having heard learned senior counsel for the parties, we do not deem it fit to interfere under Article 136 of the Constitution of India, with the impugned order which admittedly is appealable before a Division Bench of the High Court under Section 37 of the Arbitration and Conciliation Act, 1996.

2. Learned senior counsel for the petitioner vehemently contended that the allegations made in the counter affidavit are not correct and he may be given time to file rejoinder. We would have granted time for filing a rejoinder, but for the fact that we are disposing of this petition without going into the merits.

3. Learned senior counsel for the respondent does not dispute about the maintainability of the appeal against the impugned order. We, therefore, dispose of this S.L.P. without expressing any opinion on merits. Ad interim order dated 15-10-1999 passed by us staying further proceedings in Suit No. AP 299/1999 will continue for six weeks from today. It is made clear that granting of further interim

relief will depend upon the order which the Division Bench in appeal may think fit and proper to grant after hearing the parties. The Special Leave Petition stands disposed of accordingly.

Order accordingly.