

SUPREME COURT OF INDIA

European Investment Ltd.

Vs.

Triumph I.National Finance India Ltd.

C.A.No.3479 of 2009

(B.N. Agrawal and G.S. Singhvi JJ.)

11.05.2009

ORDER

1. Leave granted.

2. By an order dated 5th March, 2004 passed in Contempt Petition No.88 of 2002, the learned Single Judge held respondent Nos.1-4 herein guilty of contempt of court on the premise that they willfully violated the undertaking given to the Court on 29th January, 2002 in Summary Suit No.3846 of 2001 and willfully disobeyed the order passed thereon and sentenced them to pay fine of Rupees two thousand and directed them to pay entire dues within a period of twelve weeks, failing which they were required to undergo civil imprisonment for a period of two months. Against the said order, when the matter was taken in appeal, the Division Bench of the High Court, while entertaining the appeal, passed an interim order dated 10 th May, 2004, which was modified by the impugned order dated 20th July, 2005 and a direction was issued that interim order dated 10th May, 2004 shall remain operative subject to the certain conditions. Against the said order, the present appeal has been filed.

3. Having heard learned counsel for the parties and perused the records, we are of the view that it was not a fit case in which the Division Bench should have passed interim orders in favour of the respondents ignoring the fact that they had consented to the order passed by the learned Single Judge in the summary suit.

4. The civil appeal is, accordingly, allowed and impugned order passed by the High Court is set aside. We may, however, observe that this order shall not in any manner affect the case of the respondents in appeal.