

SUPREME COURT OF INDIA

Girishchandra Manubhai Patel

Vs.

Vedica Procon Private Limited & Ors.

C.A.No.6168 of 2015

(Jasti Chelameswar and Abhay Manohar Sapre,JJ.,)

13.08.2015

JUDGMENT

Jasti Chelameswar,J.,

SLP (Civil) No.22176 of 2015

1. Leave granted.
2. The instant appeal is filed by a person who claims to be the owner of extent of 1 Acre and 22 Guntas of land, which according to him was given on lease to the company in liquidation. He filed a Civil Application (OJ) No.594 of 2014 in O.J. Appeal No.36 of 2014 (subject matter of SLP No.2198 of 2015) praying that he may be permitted to join as party respondent in the said OJ Appeal No.36 of 2014.
3. The High Court while rejecting the application observed as follows:

“At this stage, it is required to be noted that as such, as substantive application filed by the applicant being OJCA No.327 of 2013 is pending before the Company Court and the rights of the applicant, if any, in the land in question and /or the contentions on behalf of the applicant are yet to be considered by the learned Company Court. ... However, the same shall be without prejudice to the right and contentions of the respective parties in the pending OJCA No.327 of 2013 and same may be considered in accordance with law and on its own merits. ,..”

It was also noted that:

“Shri Dave, learned senior Counsel appearing on behalf of applicant has categorically stated at the bar that as such, applicant is not averse to the sale of the property of the company in liquidation.”

4. In the circumstances, we do not think it necessary to grant any relief to the appellant herein as his interest, if any, is protected by the impugned order herein. The appellant would be entitled to the consequential reliefs i.e. if the appellant succeeds in establishing his right or title or interest in any part of the property which is subject matter of sale in dispute, he would be entitled to appropriate amount in accordance with law from out of the sale proceeds.

5. The appeal stands disposed of accordingly, with no order as to costs.