## AMITA KAUSHISH AND ORS.

## SANJAY KAUSHISH AND ORS.

## **NOVEMBER 16, 1995**

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

Constitution of India, 1950:

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Art. 136—Special leave jurisdiction—Direction of Division Bench of

High Court for listing a matter—Not disposed of—High Court requested to fix early date before end of the year—Seeking appropriate interlocutory relief—Not precluded by stay of trial of the suit.

This appeal is against the High Court's (Division Bench) direction to list the matter on a particular day for final hearing.

Disposing of the matter, this Court

HELD: 1. Since the time fixed by the High Court is already over and the appeal is yet to be disposed of, the High Court is requested to appropriately fix an early date for disposal, preferably before the end of this year. [443-B]

- 2. The stay of the trial of the suit does not preclude the respondents to seek such appropriate interlocutory relief as may be available and warranted in the facts and circumstances. [443-C]
- F CIVIL APPELLATE JURISDICTION: Civil Appeal No. 11192 of 1995.

From the Judgment and Order dated 12.7.94 of the Delhi High Court in F.A.O. (OS) No. 221 of 1991.

G Rishi Kesh for the Appellants.

Amit Chadha and Ms. Indra Sawhney for the Respondent No. 1.

Kapil Sibal and K. J. John, for the Respondent No. 2.

H The following Order of the Court was delivered:

Leave granted.

Α

The impugned order is only a direction to list the appeal FAO (OS) No. 221/91 filed by the appellants for disposal pending in the High Court. The Division Bench by its order dated July 12, 1994 directed to list the appeal for final hearing on October 17, 1994 within first five cases. It would appear that there is long drawn litigation *inter se* parties. Since the time fixed by the High Court is already over and the appeal is yet to be disposed of, we request the High Court to appropriately fix an early date for disposal, preferably before the end of this year.

В

The learned counsel for the respondents stated that on account of the stay of the suit, his clients are prevented to take any direction or order by way of interlocutory application. The stay of the trial of the suit does not preclude the respondents to seek such appropriate interlocutory reliefs as may be available and warranted in the facts and circumstances.

The appeal is accordingly disposed of. No costs.

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G.N.

Appeal Disposed of.