

GAHC010160352022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP/92/2022

M/S KIRBY BUILDING SYSTEMS AND STRUCTURES INDIA PRIVATE LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956, HAVING
ITS REGISTERED OFFICE AT UNIT NO. 2, PLOT NO. 2, SECTOR 11,
INTEGRATED INDUSTRIAL ESTATES, SIDCUL, HAIDWAR, UTTARAKHAND,
INDIA- 249403 AND ALSO HAVING ITS CORPORATE OFFICE AT UNIT NO. 1,
PLOT NO. 8 TO 15, IDA, PHASE-III, PASHAMYLARAM, DISTRICT-
SANGAREDDY, TELENGANA- 502307, REPRESENTED BY ITS AUTHORISED
REPRESENTATIVE, ASSISTANT GENERAL MANAGER- LEGAL, NAMELY,
SRI M. MAHESH, SON OF LATE M. VIJAYA LAKSHMI, RESIDENT OF
SENTHAN GREEN PARK, AMEENPUR, SANGA REDDY, HYDERABAD-
502032, TELENGANA.

VERSUS

M/S SURFACE TECH (INDIA) PVT. LTD.
A COMPANY, HAVING ITS REGISTERED OFFICE AT 25, SHREEMANTA
MARKET, A.T. ROAD, GUWAHATI, ASSAM, BEING REPRESENTED BY ITS
MANAGING DIRECTOR, MR. A.K. THAKUR, SON OF LATE M.L. THAKUR,
25, SHREEMANTA MARKET, A.T. ROAD, P.S.- PALTANBAZAR, GUWAHATI-
781001, DISTRICT- KAMRUP(METRO), ASSAM.

For the Petitioner(s) : Mr. A. Chowdhury, Advocate

For the Respondent(s) : None appears.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 29.04.2024

Mr. A. Chowdhury, the learned counsel appearing on behalf of the Petitioner submits that taking into account that the Arbitration Award has been passed

pursuant to the filing of the written statement to the counter claim in Title Suit No.38/2014, he would not like to press the instant petition. However, he submits that he may be given the liberty to file appropriate application to bring that aspect of the matter to the records of the learned Trial Court so that the appropriate defence may be taken.

2. Taking into account the above, the instant petition stands closed on withdrawal.

3. It is also relevant to take note of that during the pendency of the said counter claim, as submitted by the learned counsel for the Petitioner, the Arbitration Award has been passed and as such the dismissal of the instant application or the impugned order so passed shall not preclude the Petitioner herein who is the defendant in the counter claim to file additional pleadings, if so otherwise permissible as per law.

4. In view of the above, the order dated 17.08.2022 whereby the further proceedings of Title Suit No.38/2014 was stayed is hereby vacated.

5. As the Petitioner is duly represented, the Petitioner is directed to appear before the learned Trial Court on 27.05.2024. As the Respondent is not represented, the learned Trial Court shall issue proper notice before proceeding with the said proceedings.

JUDGE

Comparing Assistant