

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL (L) O. 433 OF 2015
IN
CHAMBER SUMMONS NO.576 OF 2015
IN
CHAMBER SUMMONS (L) NO.236 OF 2015
ALONG WITH
CHAMBER SUMMONS NO.670 OF 2015
IN
EXECUTION APPLICATION NO.581 OF 2010

Swarup Group of Industries and Another. .. Appellants
Vs
National Agricultural Co-operative
Marketing Federation of India Ltd. .. Respondent
—

Shri Arif Bookwala, Senior Counsel along with Shri Mohit Chaudhary,
Shri Ashish Mehta, Ms. Avani Rathod, Ms. Shivani Jadeja and Shri Amit
Churye i/b Shri Ashish Mehta for the Appellant.
Shri Y.K. Tiwari along with Shri Shashipal Shankar for the Respondent.
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CORAM : A.S. OKA & PD. NAIK, JJ
DATED : 28th APRIL 2016

PC.

1. When the Notice of Motion for interim relief in this admitted Appeal was placed for hearing, the learned counsel appearing for the Respondent on instructions of the Respondent states that the Respondent has no objection for setting aside the order dated 30th April 2015 which is impugned in this Appeal and which is passed on Chamber Summons (Lodging) Nos. 875 of 2014, 236 of 2015 and 492 of 2015 taken out in the Execution Application. He states on

instructions that the Chamber Summonses may be restored and direction be issued to the learned Single Judge to expeditiously dispose of the said Chamber Summonses.

2. In view of this statement, we pass the following order:

ORDER :

- (a) By consent, the impugned order dated 30th April 2015 is hereby quashed and set aside;
- (b) Chamber Summons (Lodging) Nos. 875 of 2014, 236 of 2015 and 492 of 2015 taken out in the Execution Application No.581 of 2010 are restored to the file of the learned Single Judge;
- (c) The said Chamber Summonses shall be decided by the learned Single Judge afresh in accordance with law;
- (d) If the Respondent makes a request before the learned Single Judge for early disposal of the said Chamber Summonses, we are sure that if a case is made out

for giving out of turn priority, the learned Single Judge will pass an appropriate order;

- (e) We make it clear that all the contentions on merits of the pending Chamber Summonses are kept open;
- (f) The Appeal is disposed of on above terms. The pending Notices of Motion do not survive and the same are disposed of.

(P.D. NAIK, J)

(A.S. OKA, J)