

(1997) 10 SC CK 0077

In the Supreme Court Of India

Case No : SLP No's. 13495-13500, 13600-13605, 13809-13812 and
13864-13865 of 1997

Southern Petrochemical Industries Corporation Ltd. and
Another

APPELLANT

Vs

Madras Refineries Ltd. and Others

RESPONDENT

Date of Decision : 24-10-1997

Acts Referred:

Citation : AIR 1998 SC 302 : (1998) 1 BLJR 22 : (1997) 8 JT 598 : (1998) 1
RLW 29 : (1997) 6 SCALE 600 : (1998) 9 SCC 209 : (1998) 1 UJ 9

Hon'ble Judges : S. C. Sen, J;M. Jagannadha Rao, J

Bench : Division Bench

Advocate : Ashok H. Desai, Attorney General for India, K. Parasaran, Gopal Subramaniam, Soli J. Sorabjee, N. Chidambaram and K.T.S. Tulsi, K. Ram Kumar, Asha Nair, A.M. Krishna, C. Balasubramaniam, S. Muralidhar, Indu Malhotra, Shruti Pandey, Mahesh Agarwal, E.C. Agarwala, Atul Sharma, G.P. Srivastava, Sinthil, Arvind Datar, P.B. Kak and Vikas Pahwa, for the Appellant;

Final Decision : Dismissed

Judgement

1. These special leave petitions are directed against an interim order passed by a Division Bench of the Madras High Court on 18-3-1997. Earlier, an order was passed on 2-7-1996 in which after an elaborate examination of facts and law, certain interim directions were given by the learned Single Judge.

2. On an application moved by the Union of India, some of the observations in that judgment of the Single Judge in OAs Nos. 77 and 78 of 1996 in CS No. 67 of 1996 and OAs Nos. 86 and 87 of 1996 in CS No. 73 of 1996 were expunged by the Appeal Court on 18-3-1997.

3. The Madras Refineries Limited (MRL) preferred an appeal against the order the Single Judge. The Appeal Court discussed the facts in great depth and thought it fit to order a thorough investigation and a detailed probe into transferring of certain lands in favour of a company which was promoted by Southern

Petrochemical Industries Corporation Limited (SCL). After examination of the facts of the case at great length, the Appeal Court ultimately passed the following order:

"Considering all these aspects and the conduct of the parties, we are convinced that MRL has made out a prima facie case in CA No. 73 of 1996. It also established that if injunction is not granted as prayed for that would cause irreparable loss and hardship to it and it also established that the balance of convenience rests in its favour for grant of injunction. However, the prayer of MRL in OA No. 87 of 1996, i.e., for a temporary mandatory injunction, directing the 7th respondent to hand over possession to the 8th respondent of 168.38 acres of suit land, cannot be granted at this stage.

Insofar as some of the conditions imposed by the learned Single Judge for granting interim injunctions are concerned, they cannot be complied with by the parties without the intervention of the Court and therefore all the conditions imposed by the learned Single Judge are vacated and the plaintiff in CS No. 67 of 1996 and in OA No. 86 of 1996 in CS No. 73 of 1996, without imposing any conditions, pending disposal of the abovesaid two suits. Interim temporary mandatory injunction asked for by the plaintiff in OA No. 87 of 1996 in CS No. 73 of 1996 cannot be granted at this stage. Accordingly, the common order passed by the learned Single Judge in the aforesaid interlocutory applications stands modified to the abovesaid extent.

In the result, OSAs Nos. 171 to 173 of 1996 are allowed with costs. OSA No. 174 of 1996 is dismissed without costs. OSAs Nos. 190 to 193 of 1996 also stand dismissed with costs."

4. This Court does not usually entertain appeals from interim orders passed by the High Courts. This case has been argued before us at great length. We, however, see no reason to interfere with the interim order passed by the Appeal Court. We also refrain from discussing the facts and the various arguments advanced at great length by both the parties in detail because any expression of opinion on our part on any of the issues of facts or law may prejudice the final hearing of the case.

5. We are of the view that no interference with the interim order passed by the Appeal Court is called for. The special leave petitions are dismissed. There will be no order as to costs.