

ITEM NO.7

COURT NO.14

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 21462/2023

(Arising out of impugned final judgment and order dated 13-07-2023 in CR No. 858/2023 (O&M) passed by the High Court of Punjab & Haryana at Chandigarh)

MGF DEVELOPMENTS LTD.

Petitioner(s)

VERSUS

COSMO PROPBUILD PVT. LTD & ORS.

Respondent(s)

(IA No. 197071/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 197077/2023 - EXEMPTION FROM FILING O.T., IA No. 197074/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

Diary No(s). 46975/2023 (IV-B)

(IA No. 245396/2023 - CONDONATION OF DELAY IN FILING, IA No. 245399/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 245401/2023 - EXEMPTION FROM FILING O.T., IA No. 245402/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 245400/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 06-02-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. D.S. Naidu, Sr. Adv.
Mr. Devashish Bharuka, Sr. Adv.
Mr. Ravi Bharuka, AOR
Mr. Amandeep Talwar, Adv.
Mr. Rakesh Kumar Singh, Adv.
Mr. Dipanshu Krishan, Adv.

For Respondent(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Randeep S. Rai, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala,, Adv.
Mr. Ankur Saigal, Adv.
Mr. Devansh Srivastava, Adv.
Ms. Vidisha Swarup, Adv.
Ms. Rubina Virmani, Adv.
Mr. E. C. Agrawala, AOR

Mr. Sajjan Poovayya, Sr. Adv.
Mr. Saket Sikri, Adv.
Mr. Tishampati Sen, Adv.
Ms. Sanjanthi Poovayya, Adv.
Mr. Daksh Ahluwalia, Adv.
Ms. Riddhi Sancheti, AOR
Mr. Ashish Joshi, Adv.
Mr. Anurag Anand, Adv.
Mr. Mukul Kulhari, Adv.
Mr. Varun Singh Thapa, Adv.
Ms. Sukriti Rai, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned senior counsel appearing for the petitioners and learned senior counsel appearing for the respondents.

Delay condoned.

Inasmuch as the Special Leave Petitions are arising out of proceedings emanating from application invoking Order 23 Rule 3 of the Code of Civil Procedure, 1908 and the execution application in a suit which has been compromised *inter se* the respondents, we do not find any reason to interfere with the same, particularly, when the petitioners have filed a comprehensive suit in O.S. No.2886/2022 on the file of Civil Judge, Senior Division, Gurugram. However, the application filed for injunction in the said suit is dismissed against which an appeal is stated to have been filed by the petitioners.

In such view of the matter, we direct that the appeal bearing CMA No.283/2023 to be disposed of on merit, in accordance with law, within a period of eight weeks from today, stated to be pending on the file of District & Sessions Judge, Gurugram.

We make it clear that the said Court has to decide the

said application on its own merit in accordance with law without being influenced by any of the observation made in the earlier proceedings.

The Special Leave Petitions are dismissed accordingly.

Pending application(s), if any, stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)