

Supreme Court of India

K.R. Raveendranathan vs State Of Kerala And Anr. on 13 August, 1993

Equivalent citations: JT 1998 (8) SC 528, 1997 (6) SCALE 302, (1996) 10 SCC 35

Bench: K Ramaswamy, N Singh

ORDER

1. Special Leave granted.

2. The learned Counsel for the appellant points out that the question at issue in the present appeals is squarely covered by the decision of this Court in Hindustan Construction Co. Ltd. v. State of J and K . In particular, he drew our attention to paragraph 10 of the judgment and the portion extracted from the decision in Sudarsan Trading Co.'s case , wherein it was said that by purporting to construe the contract the Court could not take upon itself the burden of saying that was contrary to the contract and, as such, beyond jurisdiction. That is exactly what the Court has done in the instant case. Therefore, the issue stands covered by this decision and the learned Counsel for the respondents could not in the face of this decision argue otherwise.

3. In the result, we allow these appeals and set aside the impugned order of the Division Bench of the High Court with no order as to costs.