

Supreme Court of India

Valvue Armaturen V.U. Beratung ... vs National Fertilizer Ltd. & Ors on 27 July, 1998

Bench: A.S. Anand, D.P. Wadhwa

PETITIONER:

VALVUE ARMATUREN V.U. BERATUNG GMBH&CO KG

Vs.

RESPONDENT:

NATIONAL FERTILIZER LTD. & ORS.

DATE OF JUDGMENT: 27/07/1998

BENCH:

A.S. ANAND, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

(with Appln (s). for exemption from filing c/c of the impugned Judgment) Date: 27/07/98 This Petition was called on for hearing today.

SORAM:

Hon'ble Dr. Justice A.S. Anand Hon'ble Mr. Justice D.P. Wadhwa For Petitioner (s) Mr. Arun Jaitely, Sr. adv., Mr. Gpal Jain Adv., Mr.R.N. Karanjawala, adv., Ms. Nandini Gre, Ms. Seema Sapra, Mrs. Manik Karanjawala, adv., For Respondent (s) Upon hearing counsel the Court made the following O R D E R Mr. Arun Jaitely, learned senior counsel appearing for the petitioner has drawn our attention to a judgement of this court in Dresser Rand, S.A. Vs. K.G. Khosla Compressors Ltd. & Ors (1995 Supp. (3) SCC 181) and in particular, to paragraph 2, which reads thus:

"2. In a matter of this nature where question of amenability of a dispute to international arbitration arise it is not proper to let loose and keep at large orders of injunction of this kind for unduly long periods. It is inconsistent with the principles governing international arbitration. It is of utmost importance for the domestic courts to be circumspect in granting such interlocutory interdictions. At any rate, the court must ensure that the a matters are dealt with and disposed of with utmost despatch. "

After hearing Mr. Jaitely and perusing the record, we are of the opinion that the issue relating to the vacation or continuance of the stay order, which had been obtained by the respondent in Suit N. 3737/91, as early as in 29.11.1991 and is still in peratin requires to be settled expeditiously. The issue has not been disposed of although almost seven years have elapsed. In the nature of the dispute pending before the Court, issue relating to interlocutory interdictions need to be disposed of with utmost despatch.

While not being inclined to interfere with an order adjourning the decisin of issue in excersie of our jurisdiction under Article 136 of the Constitution of India, we, however, consider it appropriate to request the High Court to dispose of the issue concering the vacation or otherwise of the injunction expeditiously and as far as possible before 31.12.1998.

With these observatins, the special leave petition is disposed of.