

Issue No:9

Dear All,

Greetings to you all,

CASE STUDY

COURT : **IN THE** Supreme Court of India

Parties to the Case : Shin-Etsu Chemical Co. Ltd. Versus Vindhya Telelinks Ltd. & Others

Case No. : Civil Appeal No.4998 of 2007

Judgment dated : **27.03.2009**

Judges : THE HONOURABLE MR. JUSTICE R.V. RAVEENDRAN & THE HONOURABLE MR. JUSTICE MARKANDEY KATJU

(i) Whether the appellants can directly approach this Court under Article 136 of the Constitution, against the orders of the District Court, without approaching the High Court?

(ii) Even if the answer to the first question is in the negative, whether leave having been granted by this Court, these appeals should be considered and decided on merits?

HELD

“.... the existence of an alternative remedy by itself will not take away the jurisdiction of this Court under Article 136, this Court would not grant leave and entertain appeals against orders/judgments/decrees of the district court or courts sub-ordinate thereto, if remedy by way of appeal or revision to the High Court or other court or forum is available.”

“If an exception is to be made in this case on the ground that the leave has been granted, there is a risk of its becoming an erroneous precedent. Further on the examination of the facts we are of the considered view that the case does not involve any special and exceptional circumstance that warrants direct interference with an order of a district court bypassing the remedy available before the High Court. Therefore the mere fact of leave having been granted will not come in the way of the appellant being relegated to the available alternative efficacious remedy.”

Up Coming Events:

CNICA and CNICA Mediation Center at Kanyakumari District is to be inaugurated on 14th April 2009 by his Lordship Justice K.Venkataraman. The invitation is herewith attached.

We appreciate your inputs, suggestions and contributions in this regard. We welcome all to send their articles and we shall publish the same. We shall also appreciate if you could furnish us the email address of persons who would be interested in receiving our email.

Regards

**G.Ashokapathy
Secretary,
CNICA.**