



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1478 OF 2026

(Arising out of SLP (Civil) No.6146 OF 2026
arising out of Diary No.68939 of 2025)

HERO CYCLES LIMITED & ANOTHER

APPELLANT(S)

VERSUS

HERO ECOTECH LIMITED & OTHERS

RESPONDENT(S)

J U D G M E N T

NAGARATHNA, J.

Delay in refiling is condoned.

2. Applications for (i) permission to file the petition; (ii) condonation of delay in filing the application for setting aside the abatement; (iii) setting aside the abatement; and (iv) substitution, are allowed.

3. Issue notice to the respondents.

4. Learned counsel, Mr. Sujoy Datta, AOR accepts notice for respondent Nos.1 and 2/caveator.

5. Leave granted.

6. This appeal is filed against the final judgment and order dated 03.09.2025 passed by the High Court of Judicature at Patna in Civil Misc. Jurisdiction Case No.1711 of 2019.

7. We have heard learned senior counsel for the appellants and learned senior counsel for the respondents.

8. The main grievance of the appellants is with regard to the setting aside of the order dated 07.09.2019 passed by the trial court in Title Suit No.5031/2014. For ease of reference, the relevant portion of the order dated 07.09.2019 is extracted as under:

"21. In view of the aforesaid discussions, the documents placed by the parties concerned and the submissions advanced by the respective learned counsels appearing on behalf the Plaintiffs and the Defendants, the Court is of the view that a contempt proceedings be initiated against the Defendants and the parties are directed to led evidence from their sides.

22. Office is directed to open a separate record for trial of the contempt proceeding. The trial of the contempt proceeding will proceed independently from Title Suit No.5031/2014. Both parties are further directed to make sincere efforts for early disposal of Title Suit No.5031/2014."

9. Learned senior counsel for the respondents submitted that the trial court did not adjudicate the application filed under Order XXXIX Rule 2A read with Section 151 of the Code of Civil Procedure, 1908 (for short "CPC") in accordance with law. Hence, the respondents were constrained to file the revision application under Article 227 of the Constitution of India before the High Court which has rightly set aside the order dated 07.09.2019 passed by the trial court.

10. On hearing the learned senior counsel for the respective parties and on perusal of the material on record, we note that the trial court had to adjudicate the application filed under Order XXXIX Rule 2A of the CPC in accordance with law.

11. In case the applicants who filed the said application(s) seek an inquiry into the matter, then both sides ought to be granted a reasonable opportunity in the inquiry to be conducted in case the said inquiry has not yet been completed.

12. In the circumstances, the impugned order of the High Court dated 03.09.2025 as well as the order of the trial court dated 18.09.2025 are set aside.

13. It is stated at the bar that pursuant to the impugned order of the High Court, the said application has been disposed of.

14. Consequently, in view of the fact that we are setting aside the impugned order of the High Court, the application filed under Order XXXIX Rule 2A of the CPC is restored on the file of the trial court.

15. The appeal is disposed of in the aforesaid terms.

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

.....J.
(B.V. NAGARATHNA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 10, 2026

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 68939/2025

[Arising out of impugned final judgment and order dated 03-09-2025 in CMJ No. 1711/2019 passed by the High Court of Judicature at Patna]

HERO CYCLES LIMITED & ANOTHER

Petitioner(s)

VERSUS

HERO ECOTECH LIMITED & OTHERS

Respondent(s)

(FOR ADMISSION

IA No. 20748/2026 - APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT

IA No. 20743/2026 - APPLICATION FOR SUBSTITUTION

IA No. 20740/2026 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS

IA No. 20742/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 20745/2026 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

IA No. 20747/2026 - SETTING ASIDE AN ABATEMENT

Date : 10-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
 Mr. Shyam Divan, Sr. Adv.
 Mr. Manish Vashisht, Sr. Adv.
 Mr. Avishkar Singhvi, Adv.
 Mr. Durga Das Bhatla, Adv.
 Mr. Ashutosh Nagar, AOR
 Mr. Pushpindu Singh Sodhi, Adv.
 Ms. Priyansha Sharma, Adv.
 Mr. Aman Sharma, Adv.
 Mr. Uditanshu Singh, Adv.
 Mr. Navtej Singh, Adv.
 Ms. Nidhi Jain, Adv.
 Mr. Subhang Shankar Gogoi, Adv.
 Mr. Vedansh Vashisht, Adv.
 Ms. Anshika, Adv.
 Ms. Saloni Bhatt, Adv.

For Respondent(s) Mr. Ramji Srinivasan, Sr. Adv.
 Mr. NPS Chawla, Adv.
 Mr. Sujoy Datta, Adv.
 Ms. Pragya Mishra, Adv.

Ms. Maulshree Pathak, AOR
Mr. Surekh Kant Baxy, Adv.
Ms. Kinjal Goyal, Adv.
Mr. Jasjeet Singh, Adv.
Ms. Aashi Yadav, Adv.
Ms. Shefali Munde, Adv.
Mr. Arjun Bhatia, Adv.

Mr. Ramji Srinivasan, Sr. Adv.
Mr. NPS Chawla, Adv.
Mr. Sujoy Datta, AOR
Mr. Surekh Kant, Adv.
Ms. Pragya,
Ms. Kinjal Goyal, Adv.
Ms. Sufali Munde, Adv.
Mr. Arjun Bhatia, Adv.
Ms. Sashi, Adv.

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

1. Delay in refiling is condoned.
2. Applications for (i) permission to file the petition;
(ii) condonation of delay in filing the application for
setting aside the abatement; (iii) setting aside the
abatement; and (iv) substitution, are allowed.
3. Issue notice to the respondents.
4. Learned counsel, Mr. Sujoy Datta, AOR accepts notice
for respondent Nos.1 and 2/caveator.
5. Leave granted.
6. The appeal is disposed of in terms of the signed non-
reportable judgment which is placed on the file.
7. Pending application(s), if any, shall stand disposed
of.

(RADHA SHARMA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

(Corrected Trial Court's order date i.e. 18.09.2025 in Paragraph 12)