
(2008) 08 SC CK 0069

In the Supreme Court Of India

Case No : Civil Appeal No. 4189 of 2001

Karnataka Patrika (P) Ltd.

APPELLANT

Vs

Syndicate Bank and Others

RESPONDENT

Date of Decision : 19-08-2008

Acts Referred:

Citation : (2008) 4 AWC 4206 Supp : (2009) 1 KarLJ 34

Hon'ble Judges : Tarun Chatterjee, J;Aftab Alam, J

Bench : Division Bench

Advocate : M.N. Rao, T.V.S. Raghavendra Sreyas, Nikhil Nayyar, Vikas Rajipura, Sangeeta and E.C. Vidya Sagar, for the Appellant; V. Sudeer, M.B.R.S. Raju, S. Sunita, Rama Subba Raju, S. Srinivasan, Ashoka Kumar Thakur and Anil K. Chopra, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard the learned Counsel for the parties.

2. By an order dated 5th of April, 2004, this Court passed the following order:

Subject to the petitioner's depositing the amount of Rs. 2,50,000/- (rupees two lakhs fifty thousands only) within a period of four weeks, there will be stay of the execution of the decree as far as the petitioner is concerned. The deposit is to be made with the Registry of this Court. If such deposit is made, the Registry shall invest the same in a short term fixed deposit in a nationalized bank and keep the same renewed till further orders of this Court. In default of payment, the prayer for interim relief will stand dismissed.

3. It is not now in dispute that the aforesaid amount of Rs. 2,50,000/-, as directed by this Court by its order dated 5th of April, 2004, has already been deposited and the same has already been invested by the Registry of this Court in a fixed deposit in a nationalized bank. The learned Counsel appearing 25/08/2008 for the Syndicate Bank, decree holder/respondent submitted on instructions that the appeal can be disposed of with a direction that the entire

decreetal amount shall stand satisfied if the aforesaid sum of Rs. 2,50,000/- deposited by the appellant with the Registry of this Court is allowed to be withdrawn by the Bank with interest accrued thereon. We appreciate the stand taken by the respondents-Syndicate Bank. Accordingly, by consent, we dispose of the appeal on the following terms:

(i) The appeal shall stand allowed in part and the decree of the trial Court shall stand modified to the extent that the said decree shall stand satisfied for a sum of Rs. 2,50,000/- with interest accrued thereon.

(ii) The respondent Bank is entitled to withdraw the aforesaid amount deposited in the Registry of this Court with interest accrued thereon. The Registry of this Court shall hand over the aforesaid amount with accrued interest to the respondent within eight weeks from the date of passing of this Order.

4. With these directions, this appeal is disposed of on consent. There will be no order as to costs.