

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2383 of 2003**

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STATE OF ANDRA PRADESH & ORS.
Versus
S C AGRAWAL

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Appearance:

APPEARANCE DELETED for the Appellant(s) No. 1,2

MR AV NAIR(5602) for the Appellant(s) No. 1,2

MR PREMAL R JOSHI(1327) for the Defendant(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 01/05/2026**ORDER**

1. The First Appeal filed under Section 96 of the Code of Civil Procedure, 1908 ('the Code', for short) challenging the judgment and decree dated 23.10.2001 passed by the learned Judge, City Civil Court, Court No.7, Ahmedabad in Summary Suit No.1844 of 1991 by which the summary suit of the plaintiff was partly allowed and defendant was directed to pay Rs.08,06,708/- (Rupees Eight Lakhs Six Thousand Seven Hundred Eight Only) with interest at the rate of 15% from 01.04.1988 till realisation.

2. The appellant is the original defendant. It was the suit of recovery of Rs.13,97,970.32 paisa filed by the original plaintiff under the provisions of Order 37 of the Code. The plaintiff was given the task to print SSC examination papers scheduled in March,1988 by the defendant executing a contract. The part payment was made but remaining amount of Rs.9,06,708/- was not paid to the plaintiff on the ground that the SSC

examination papers, for which task of printing such papers was given to the plaintiff, were leaked.

3. Learned trial Court examined the evidence on record produced by the parties and decreed the suit in aforesaid term. The original defendant being aggrieved by the same, preferred an appeal before this Court.

4. Heard learned counsel for respective parties.

5. The relevant findings of the learned trial Court, which are in para:6, read as under:

“6 In view of the foregoing discussion, it is crystal clear in my opinion that the plaintiff has done the job and thereby contractual liability of the plaintiff towards the work entrusted is over. The alleged leakage is after about 15 days of the plaintiff's delivery of the confidential papers and since there is no lots of evidence forthcoming to establish the breath on the part of the plaintiff except two letters at Exh.52 and Exh. 56, which are hand written and could be at the instance of defendant No.2 as the same are not received by the defendants through post. The said could be written at the instance of defendant No.2. Assuming if the same are considered as written willfully, the defendants can not withhold the entire sum, for which there is no leakage or breach on the part of plaintiff herein and hence the plaintiff is entitled to Rs.8,06,708/- as principal amount and so far as the interest part is concerned, the same is a commercial transaction and the plaintiff has vide his notice demanded 18% of interest pa. but looking to the overall circumstances, the plaintiff is entitled to the interest at the rate of 15% pa. from 1/4/88 till the payment is made actually.”

6. During hearing of this appeal, learned counsel appearing for the appellant places on record the communication dated 28.04.2026 received from the Government of Andhra Pradesh,

Education Department, whereby it is stated that the appellant has no objection if the principle amount of Rs.08,06,708/- is released in favour of the original plaintiff and if the amount of interest accrued including the fixed deposit to be paid back to the Government of Andhra Pradesh. The said communication dated 28.04.2026 received from the Andhra Pradesh Government is taken on record and relevant part thereof is reproduced as under:

“Accordingly, you are requested to convey before the Hon'ble Court that the appellants have no objection to:

(i) Release of the principal decretal amount of Rs. 8,06,708/- to the respondent Sri S. C. Agrawal/legal heirs with in a stipulated period given by the Hon'ble High Court. If the decretal amount is not withdrawn by the respondent/legal heirs with in the period decided by the Hon'ble High Court, the same decretal amount may also refund to the Director of Government Examinations, Andhra Pradesh.

(ii) Transfer of the interest component and any other accrued amounts, including Fixed Deposit interest, to the Director of Government Examinations, Andhra Pradesh.

Further, it is also informed that the amount received by the Director of Government Examinations, Andhra Pradesh will be apportioned and shared with the Director of Government Examinations, Telangana in accordance with the provisions of the Andhra Pradesh Reorganisation Act, 2014 and applicable guidelines.

Hence, I therefore request you to take necessary steps to place the above before the Hon'ble High Court on the next date of hearing and facilitate early disposal of the matter.

This may be treated as urgent.

Yours faithfully,

(KV Srinivasufu Reddy)
Director of Government Examinations,
Andhra Pradesh.”

7. Learned counsel Mr.Premal Joshi for the original plaintiff submits that he has no objection if the principal amount is paid to the original plaintiff and interest accrued thereon is paid back to the Andhra Pradesh Government. Learned counsel Mr.Premal Joshi referred the order dated 05.04.2007 passed by the Division Bench in Civil Application No.1393 of 2007 and submitted that the Division Bench of this Court disposed of the civil application permitting the appellant herein to deposit the decretal amount including the interest thereon in two separate accounts. Accordingly the appellant has deposited the amount before the learned City Civil Court, Ahmedabad.

8. In view of the aforesaid communication and the submission made by learned counsel Mr.Premal Joshi, the present appeal is partly allowed in following terms.

9. The City Civil Court, Ahmedabad is hereby directed to release the principle decretal amount of Rs.08.06.708/- in favour of Shri S.C.Agrawal or his heirs, after verifying their identity within period of one month from the date of receipt of this order. The amount of interest deposited in separate account and accrued interest thereon shall be paid to the Director of Government Examination, Andhra Pradesh, within a period of one months from the date of receipt of this order.

10. The aforesaid payments are to be made through cheques

or available banking mode and the learned advocates shall intimate the parties concerned to forward their details for the purpose of disbursement of amount. Records and Proceedings is ordered to be sent back to the learned trial Court.

MISHRA AMIT V.

(J. C. DOSHI,J)