

ITEM NO.3

COURT NO.9

SECTION XI

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4837/2005

(From the judgement and order dated 28/10/2004 in FAFO No. 727/2004 of The

HIGH COURT OF JUDICATURE AT ALLAHABAD)

KIRTI PANDEY & ORS.

Petitioner(s)

VERSUS

SANKAR RICE AND DAL MILLS & ORS.

Respondent(s)

(With prayer for interim relief and office report )

With

SLP(C) NO. 7065 of 2005

(With prayer for interim relief and office report)

SLP(C) NO. 6186 of 2005

(With prayer for interim relief and office report)

Date: 15/02/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s)

Mrs. Nandini Sen, Adv.

Mr. M.M. Kshatriya, Adv.

Mr. Dipankar Das, Adv.

Mr. Sushil Kumar Jain, Adv.

Mr. Puneet Jain, Adv.

Ms. Christi Jain, Adv.

Mr. Sarad Singhania, Adv.

Ms. Pratibha Jain, Adv.

For Respondent(s)

Mr. Rameshwar Prasad Goyal, Adv.

Mr. S.L. Gupta, Adv.

Mr. Goodwill Indeevar, Adv.

UPON hearing counsel the Court made the following

O R D E R

S.L.P.(C) Nos. 4837 & 6186/2005

2

We have heard learned counsel for the parties.

In these cases, notices were issued confined to the quantum of

interest on the enhanced amount. The High Court has awarded interest

@ 6% p.a. Having regard to the facts and circumstances of the case, we

think that the interest awarded @ 6% p.a. on the enhanced amount

appears to be on the lower side. Normally the practice is to award

interest @ 9% p.a..

Having regard to the facts and circumstances of the case, we only

modify the order passed by the Division Bench of the High Court to the

extent that the amount of interest is raised from 6@ p.a to 9% p.a. With

this modification, the Special Leave Petitions are disposed of.

S.L.P.(C) No. 7065/2005

In this matter, the trial court has already awarded the interest

@ 9% p.a. and the same has been confirmed by the High Court. The

Special Leave Petition is dismissed accordingly.

(Pardeep Kumar)

Court Master

(Radha R. Bhatia)

Court Master