

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4157 OF 2006

(Arising out of SLP(C) No.3455 of 2006)

KAP CHEM LTD.

.....APPELLANT(S)

VERSUS

CHAMUNDESHWARI SUGARS LTD.

.....RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel appearing on behalf of both sides.

Undisputedly, it is a money decree for a sum of Rs.76 lacs with 18% interest

from the date of institution of the suit till the date of payment against the appellant

herein. By our earlier Order dt.27.02.2006, the time for deposit the sum was extended

by eight weeks. However, the said Order has not been complied with. I.A.No.2 of 2006

has now been filed for further extension of time for deposit of the money. According to

the appellant, a sum of Rs.61 lacs with interest at the rate of 18% as awarded by the

trial court is the only amount to be deposited if at all and not the sum of Rs.70 lacs with

18% interest from the date of institution of the suit till the date of payment. As

ordered by the High Court in I.A.No.1/2005 in R.F.A.No.1913/2005, we do not propose

to go into the quantum of amount payable by the appellant herein at this stage.

However, we direct the appellant herein to deposit the sum of Rs. 61 lacs within six

2

weeks from today to the credit of R.F.A.No.1913/2005 on the file of the High Court of Karnataka at Bangalore. The Registrar General of the High Court is directed to invest the said amount in short term fixed deposit in any nationalised bank. In default, the decree-holder is at liberty to execute the decree as decreed by the trial court. With the above direction, the appeal stands disposed of. There shall be no order as to costs.

The above direction is issued without prejudice to the rights and contentions of both parties in the pending proceedings before the High Court.

.....J.
(Dr.AR.LAKSHMANAN)

.....J.
(TARUN CHATTERJEE)

NEW DELHI;

SEPTEMBER 15, 2006.

ITEM NO.42

COURT NO.8

SECTION IVA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3455/2006

(From the judgement and order dated 19/12/2005 in IA No. 1/2005 in RFA No. 1913/2005 of The HIGH

COURT OF KARNATAKA AT BANGALORE)

KAP CHEM LTD.

Petitioner(s)

3

VERSUS

CHAMUNDESHWARI SUGARS LTD.

Respondent(s)

(With appln(s) for permission to place on record subsequent events and addl.documents and with prayer

for interim relief and office report)

Date: 15/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Ms. Srikala Gurukrishna Kumar,Adv.

Mrs.Srikalaa G.K., Adv.

For Respondent(s)

Mr. P.R. Ramasesh,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

There shall be no order as to costs.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master

(Signed order is placed on the file)