

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).3477/2006

(From the judgement and order dated 18/10/2005 in CMP No.8696/2005 & ASR No.111111/2004 of the HIGH COURT OF MADRAS)

M/S. PUNJAB NATIONAL BANK

Petitioner(s)

VERSUS

M/S. MUTHU PHARMACY &ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 06/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. M.T. George,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Despite service of notice nobody appears for the respondents.

Leave granted.

The appeal before Heard the learned counsel for the petitioner.

the signed order. The the High Court shall stand restored in terms of

appeal is disposed of accordingly.

BHARDWAJ)

(A.S. BISHT)

(PUSHAP LATA

COURT MASTER

COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2852 OF 2006

[Arising out of SLP(C) No.3477/2006]

PUNJAB NATIONAL BANK
PLAINTIFF(S)

..... APPE

:VERSUS:

M/S. MUTHU PHARMACY AND ORS.
RESPONDENT(S)

..... RESP

O R D E R

Despite service of notice nobody appears for the respondents.

Leave granted.

Heard the learned counsel for the petitioner. The High Court by reason of

the impugned order has refused to condone the delay in depositing the court fee by

the appellant herein. Although we agree with the High Court that the learned

counsel appearing for the appellant before the High Court should not have deposited the amount of Rs.200 only as court fee when the total amount payable was Rs.3,400, but having regard to the fact that the appellant should not suffer therefor, we are of the opinion that interest of justice would be subserved if the High Court is directed to accept the court fee deposited by the appellant with delay, subject to the condition of depositing a further sum of Rs.10,000/- in favour of the respondents within six weeks from date. The respondents shall be entitled to withdraw the said amount.

-2-

The appeal before the High Court shall stand restored subject to the aforementioned conditions and directions.

The appeal is disposed of accordingly.

.....J

(S.B. SINHA)

.....J

(DALVEER BHANDARI)

NEW DELHI,

JULY 6, 2006.