

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3023/2007

(From the judgement and order dated 05/02/2007 in CMWP No. 5942/2007 of
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

GENERAL MANAGER, R.B.I & ANR.

Petitioner(s)

VERSUS

DESHA @ DESH RAJ MAVI & ORS.

Respondent(s)

(With prayer for interim relief)

WITH SLP(C) NO. 3285 of 2007

(With prayer for interim relief and office report)

SLP(C) NO. 6355 of 2007

(With prayer for interim relief)

SLP(C) NO. 7396 of 2007

(With prayer for interim relief and office report)

Date: 23/11/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. U.U.Lalit, Sr. Adv.

Mr. H.S. Parihar, Adv.

Mr. Kuldeep Parihar, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Sanjeev Kr. Chaudhary, Adv.

For Respondent(s)

Mr. R.K. Maheshwari, Adv.

Mr. Rishi Maheshwari, Adv.

Mr. Raj Kumar Kaushik, Adv.

Mr. H.S. Parihar, Adv.

Mr. R.S. Lambat, Adv.

Mr. Deven Lambat, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The Appeals are allowed.

[SUMAN WADHWA]

[MADHU SAXENA]

COURT MASTER

COURT MASTER

Signed orders are placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007
(Arising out of SLP(C)NO. 3023/2007)

GENERAL MANAGER, RBI & ANR.

.. APPELLANTS

vs.

DESHA @ DESH RAJ MAVI & ORS.

. . . RESPONDENTS

WITH

CIVIL APPEAL NOS. /2007
(Arising out of SLP(C)Nos. 3285 of 2007)

ORDER

Leave granted.

Having heard learned counsel for the parties, we are of the opinion that in this particular case RBI, were the party respondents, were not heard by the High Court. Ultimately, moratorium was imposed by the RBI. In the circumstances, we set aside the impugned judgment and direct the CMWP No. 5942/07 to stand revived.

The matters will be placed for direction before the Allahabad High Court on 21.1.2008 when the counsel for RBI will appear.

The Appeals stand allowed accordingly.

.....J.
(S.H. KAPADIA)

.....J.
(B.SUDERSHAN REDDY)

NEW DELHI;
November 23, 2007.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007
(Arising out of SLP(C)NO. 6355/2007)

THE NAGPUR MAHILA NAGRI SAHAKARI
BANK LTD. .. APPELLANT

vs.

MAHADEO BALAJI DHAKATE . . . RESPONDENT

WITH

CIVIL APPEAL NOS. /2007
(Arising out of SLP(C)Nos. 7396 of 2007)

ORDER

Leave granted.

Having heard learned counsel for the parties, we are of the opinion that in this particular case RBI, were the party respondents, were not heard by the National Commission. Ultimately, moratorium was imposed by the RBI. In the circumstances, we set aside the

impugned judgment and direct the CMWP No. 5942/07 to stand
revived.

The matters will be placed for direction before the National
Commission on 21.1.2008 when the counsel for RBI will appear.

The Appeals stand allowed accordingly.

.....J.
(S.H. KAPADIA)
.....J.
(B.SUDERSHAN REDDY)

NEW DELHI;
November 23, 2007.