

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

Petition(s) for Special Leave to Appeal (Civil) No.5941/2003

(From the judgement and order dated 29/07/2002 in MFA 1021/91
of The HIGH COURT OF KERALA AT ERNAKULAM)

STATE OF KERALA & ANR.

Petitioner (s)

VERSUS

SAMKUTTY THOMAS & ANR.

Respondent (s)

(With prayer for interim relief and office report)

Date : 19/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

Mr. Ramesh Babu M.R., Adv.

For Respondent (s) Mr. Anil Kumar Jha, Adv.

Mr. Santosh Kumar Sethi, Adv.

Mr. Pravir Choudhary, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal shall be treated as disposed of in terms of the signed order.

KALYANI

(RADHA R. BHATIA)

COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 342 OF 2004

(ARISING OUT OF S.L.P. (C) NO. 5941 OF 2003)

STATE OF KERALA & ANR.

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APPELLANT (S)

VERSUS

SAMKUTTY THOMAS & ANR.

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RESPONDENT (S)

O R D E R

Leave granted.

The subject matter of appeal is a petty amount i.e. less than Rs. 1,00,000/-. The Arbitrator made an Award directing the appellants to pay an amount of Rs. 88,068/- with interest at the rate of 12% per annum from the date of Award till the date of decree. While passing the decree in terms of the Award, the Court has directed future interest to be paid at the rate of 6% per annum from the date of the decree.

After hearing the learned counsel for the parties, we are satisfied that the ends of justice would be met if the appellants pay the awarded amount with interest as directed by the Arbitrator within a period of two months from today. If the appellants make the payment as above-said the direction made by the Civil Court for future interest i.e. from the date of the decree shall stand waived. But it shall remain valid if the payment is not made within two months as above-said.

The appeal shall be treated as disposed of in the above-said terms.

.....J
(R.C. LAHOTI)

.....J
(ASHOK BHAN)

NEW DELHI;
JANUARY 19, 2004.