

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

IA 3 in Petition(s) for Special Leave to Appeal (Civil) No(s).4190/2006

(From the judgement and order dated 13/01/2006 in CA No. 109/2006 & CA No. 110/2006 & WP No. 7033/2003 & WP No. 7034/2003 of The HIGH COURT OF BOMBAY)

VASUDEO KHECHARMAL AGARWAL & ORS.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With appln(s) for vacating stay and office report))

Date: 11/05/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. U.U. Lalit, Sr.Adv.
Mr. Vinay Navare, Adv.
Mr. Naresh Kumar, Adv.

For Respondent(s)

Mr. Sanjay V.Kharde, Adv.
Ms. Chandan Ramamurthi, Adv.UPON hearing counsel the Court made the following
O R D E R

We have heard counsel for the parties.

Having regard to the fact that in similar cases we have vacated the Order of stay, such as in the case of petitioners themselves in S.L.P.(C) No.7427-7428 of 2005, we vacate the order of stay in this matter as well, subject to the condition that if any amount is recovered from or paid by the judgment-debtor to the Cooperative Bank concerned, it shall be open to the debtor to seek appropriate relief from the Bank after final hearing of these matters for refund of the amount so paid and interest thereon, if that question arises.

I.A.No.3 is accordingly, allowed.

Special Leave granted.

Tag on with Civil Appeal No.6069 of 2005.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master