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SLP(C)No. 5742-5743 OF 2005  
ITEM No.49

Court No. 1

SECTION XIIA

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.5742-5743/2005  
(From the judgement and order dated 14/12/2004 in CMP 16042/04  
and the judgment and order dated 09/02/2005 in CMP 107/05 in  
CMA 4573/04 of The HIGH COURT OF A.P AT HYDERABAD)

DEPUTY MANAGER (ENGG.), FCI & ANR. Petitioner (s)

VERSUS

PODDIBOYINA KANAKA DURGA & ORS. Respondent (s)

(With prayer for interim relief)

Date : 18/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner (s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Ajit Pudussery, Adv.

For Respondent (s) Mr. V.R. Reddy, Sr. Adv.  
Mr. P.S. Narasimha, Adv.  
Mr. C.V. Nagarjuna Reddy, Adv.  
Mr. Ananga Bhattacharyya, Adv. for M/s P.S.N. & Co., Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

Appeals stand disposed of in terms of the signed order.

(RAJESH DHAM) (RADHA R. BHATIA)  
COURT MASTER COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5742-5743 OF 2005  
(ARISING OUT OF SLP (CIVIL) NOS.5742-5743 OF 2005)

DEPUTY MANAGER (ENGG.), FCI & ANR. Appellant (s)

VERSUS

PODDIBOYINA KANAKA DURGA & ORS. Respondent (s)

O R D E R

Leave granted.

By the impugned order the High Court has directed the appellants to deposit 50% of the awarded amount in the Court and out of that 50% to be withdrawn by the respondents without furnishing security and 50% of the deposit amount to be withdrawn on furnishing security.

In the facts and circumstances of the case, we feel that the respondents should furnish security for the entire amount which they are permitted to withdraw under the orders of the High Court. Let the respondents also furnish their own undertakings on affidavit that in the event of appeals being allowed and the respondents being held liable to restitution, the order of restitution shall be carried out within such time as the Court may appoint. Thus, in short, before withdrawing the amount as directed by the High Court, the respondents shall furnish their personal undertakings on affidavit for restitution and also security of immovable property as directed by the High Court for the entire amount withdrawn by them.

The Appeals stand disposed of.

.....CJI.  
(R.C. Lahoti)

.....J.(G.P. Mathur)

New Delhi;  
April 18,2005.