

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).18377/2002

(From the judgment and order dated 01/12/1999 in FA No.99/1996 of The HIGH COURT OF M.P

AT JABALPUR)

KASTURIBAI (DEAD) BY LRS. & ANR.

Petitioner(s)

VERSUS

CHAMPA BAI

Respondent(s)

(With appln(s) for c/delay in filing counter affidavit and with prayer for interim relief)

(For final disposal)

Date: 15/07/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. S.S. Khanduja, Adv.

For Respondent(s) Mr. Sandeep S. Tiwari, Adv.

Mr. D.N. Mishra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Appeal stands disposed of in terms of the signed order

. There

will be no order as to costs.

(K.K.Chawla)

(Jasbir Singh)

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2005

[ARISING OUT OF SLP(CIVIL) NO.18377 OF 2002]

KASTURIBAI (DEAD) BY LRS. & ANR.

Appellant (s)

VERSUS

CHAMPA BAI

Respondent(s)

O R D E R

Leave granted.

By consent returnable forthwith.

Heard parties.

In this matter notice was issued limited to the question why the amount of advance/earnest money be not directed to be refunded with or without interest to the Petitioners.

Mr. Sandeep S. Tiwari, learned counsel appearing for the Respondent

states that the Respondent is willing to return a sum of Rs.20,000/- which had been received as earnest money without any interest. We accordingly direct that the amount of Rs.20,000/- be returned to the Appellants without interest within a period of two months from today. If the amount is not returned within two months from today, then the amount be returned with interest at the rate of 6% per annum.

The Appeal stands disposed of accordingly. There will be no order as to costs.

.....J.

(S.N. Variava)

.....J.

(Tarun Chatterjee)

New Delhi;

July 15, 2005.