

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. No.4 in CIVIL APPEAL NO. 5579 OF 2012

RAINA CONTINENTAL LTD.

Appellant(s)

VERSUS

SKH METALS LIMITED & ANR.

Respondent(s)

O R D E R

This is an application for withdrawal of the amount deposited by the applicant as a pre-condition for the civil appeal filed before this Court. The civil appeal arises out of an order dated 4.11.2011 passed by the National Consumer Disputes Redressal Commission in Original Petition No.225 of 1999. By the said order the applicant herein is called upon to pay a compensation of Rs.3 lakhs to the complainant along with interest as indicated in the said order. Civil Appeal No.5579 of 2012 came to be filed by the applicant herein and as a pre-condition for the appeal, the applicant made a deposit of Rs.50,000/- with the Registry of this Court. However, by an order dated 20.7.2012 the appeal itself came to be dismissed. Hence, the present application for withdrawal of the amount.

It is represented today that the dispute between the parties is settled by negotiation out of the Court and therefore, the learned counsel for the applicant prays that the amount deposited at the time of preferring the appeal, be refunded to the applicant. Irrespective of the fact that the dispute is settled or not, if the appeal is dismissed without any specific direction with respect to the amount deposited, in my opinion, the amount should be refunded to the appellant and it is always open to the parties who succeeded before the Consumer Commission to enforce whatever order is passed in its favour. The application for withdrawal is, therefore, allowed as prayed for.

.....J
(J. CHELAMESWAR)

New Delhi;
September 10, 2013.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. No.4 in CIVIL APPEAL NO. 5579 OF 2012

RAINA CONTINENTAL LTD. Appellant(s)

VERSUS

METALS LIMITED & ANR. Respondent(s)

(For permission for withdrawal of the amount)

Date: 10/09/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Appellant(s) Mrs. Namita Roy,Adv.
Mr. Amit Choubey,Adv.
Mr. Asit Rari,Adv.
For Mrs. Sarla Chandra,Adv.

For Respondent(s)

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

Application for withdrawal is allowed in terms of the signed
order.

(A.S. BISHT)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed order is placed on the file)