

j
SLP(C)No. 8615 OF 2003
ITEM No.52

Court No.12

SECTION XV
A/N MATTER

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.8615/2003

(From the judgement and order dated 08/04/2003 in FA 517/03
of The HIGH COURT OF BOMBAY)

SATISH V. GAIKWAD

Petitioner (s)

VERSUS

UNITED INDIA INSURANCE CO. LTD. & ANR.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and Office Report)

Date : 15/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)Mr. Gourav Agrawal,Adv.
Mr. Joseph Pookkatt,Adv.

Mr. Prashant Kumar,Adv.

For Respondent (s)Mr. S.P. Jain,Adv.
No.1Mr. S.L. Gupta,Adv.
Mr. Goodwill Indeever,Adv.
Mr. Harkesh Chand Aggarwal,Adv.

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

Service of notice is complete.

Exemption from filing c/c of impugned judgment is allowed.

Leave granted.

The appeal is allowed and the impugned order is set aside in terms of the signed order. No order as to costs.

(A.S. BISHT)(KANWAL SINGH)
COURT MASTER

COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7377 OF 2003

(Arising out of SLP(C) No.8615/2003)

SATISH V. GAIKWAD

.....

APPELLANT(S)

:VERSUS:

UNITED INDIA INSURANCE CO. LTD. AND ANR.

.....

RESPONDENT(S)

O R D E R

Service of notice is complete.

Leave granted.

Heard the learned counsel for the petitioner as well as learned counsel for the respondents. Perused the impugned order. It appears that the money deposited in the court was withdrawn by the petitioner. Admittedly, there was no interim order against the withdrawal of the amount much less any order imposing any condition for the withdrawal. In such circumstances, if the withdrawal of the amount awarded, has been made by the petitioner, he cannot be faulted with. We find no justification for ordering the petitioner to deposit back the money. The impugned order is not sustainable. The appeal is allowed and the impugned order is set aside. No order as to costs.

.....J

(BRIJESH KUMAR)

.....J

NEW DELHI; (ARUN KUMAR)

SEPTEMBER 15, 2003.