

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5685 OF 2002

UPMA DEVI & ORS. APPELLANTS

VERSUS

STATE OF U.P. & ORS. RESPONDENTS

With

C.A.No.5686/2002, C.A.No.5687/2002

O R D E R

The point in issue in these appeals is whether the proceedings for recovery can be continued against the guarantors when the company, i.e., the principal debtor is registered under Section 15 of the Sick Industrial Companies (Special Provisions) Act, 1985. This issue is covered against the appellants by a Judgment of this Court in Kailash Nath Agarwal & Ors. vs. Pradeshiya Industrial & Investment Corporation of U.P.Ltd. & Anr., (2003) 4 SCC 305 .

Therefore, these appeals have to be dismissed. It is ordered accordingly.

Learned counsel for the appellants submits that during the pendency of these appeals, negotiations had been going on between the parties for settlement

of the entire subject matter of the appeals. His apprehension is that disposal of these appeals may prejudice the course of settlement.

Learned counsel for the respondents submits that he has no objection to it being clarified that if settlement talks are going on they may not be prejudiced by disposal of these appeals. Accordingly, we make it clear that the issue of amicable settlement of the subject matter of the appeals may be independently considered and decided irrespective of disposal of these appeals.

The appeals are dismissed.

.....J.

(ARUN KUMAR)

.....J.

(R.V. RAVEENDRAN)

NEW DELHI;

MARCH 7, 2006.

CIVIL APPEAL NO(s). 5685 OF 2002

UPMA DEVI & ORS.

Appellant (s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and with office report)

WITH

Civil Appeal No. 5686/2002

(With appln(s) for exemption from filing O.T. and with office report)

Civil Appeal No.5687 of 2002

(With appln. for exemption from filing O.T. and with Office Report)

Date: 07/03/2006 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mr. Ravindra Bana, Adv.

For Respondent(s)

Mr. Vishwajit Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are dismissed in terms of the signed order.

(Satish K.Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order is placed on the file)