

SLP(C)No. 11219-11220 OF 2000  
ITEM No.15

Court No. 8

SECTION XIV  
A/N MATTER

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.11219-11220/2000

(From the judgement and order dated 10/01/2000 in CRP 145/99 & dated 30.3.2000 in RA 30/00 of The HIGH COURT OF GAUHATI)

NAKUL CHANDRA PAUL

Petitioner (s)

VERSUS

STATE BANK OF INDIA & ORS.  
( With Appln(s). for substitution and with prayer  
for interim relief )

Respondent (s)

Date : 03/08/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. A.K. Ganguli, Sr. Adv.  
Ms. Shalini Kumar, Adv.  
Ms. V. Mohana, Adv.

For Respondent (s) Mr. Y.P. Adhiyaru, Sr. Adv.  
Mr. S.C. Biswas, Adv.  
Mrs V.D. Khanna, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J  
.SP2

Leave granted.  
The appeal is allowed in terms of the signed order.

.SP1

Sarita (V.P. Tyagi) @@  
AA  
Court Master@@  
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(Signed order is placed on the file)

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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J  
.PL56

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5028-5029 OF 2001@@  
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(Arising out of SLP(C)Nos.11219-11220/2000)

NAKUL CHANDRA PAUL .. APPELLANT

VERSUS

STATE BANK OF INDIA & ORS. .. RESPONDENTS

O R D E R@@  
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Leave granted.

Heard learned counsel for the parties.

We find that the appointment of the Receiver was made in this case without any application being moved in this regard. Learned counsel for the respondent submitted that the Court has Suo Moto power, even no such application is made. We do not find, on the facts and circumstances of this case, even if there is such power, it is a fit case that the court should have exercised this power. The appeal has merit. The impugned order dated 10th January, 2000 in C.R.P.No.145/99 is set aside.

The appeal is allowed.

.SP1

.....J.  
(A.P. MISRA)

New Delhi,  
August 3, 2001.

.....J.  
(BRIJESH KUMAR)