

ITEM NO.43

COURT NO.6

SECTION IVA

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

Petitions for Special Leave to Appeal (C) Nos. 10711-10712/2014
(Arising out of impugned final judgment and order dated 22/02/2013
in RFA No. 1199/2012 19/02/2014 in IA No. 2/2014 19/02/2014 in RFA
No. 1199/2012 passed by the High Court of Karnataka at Bangalore)

KOTAK SECURITIES LTD

Petitioner(s)

VERSUS

CHETHAN BHANDARY & ORS
(With office report)

Respondent(s)

Date : 11/07/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Robin R. David, Adv.
Mr. Febin V.Mathew, Adv.
Ms. Megha Srivastava, Adv.
For M/s. Dua Associates, Adv.

For Respondent(s)

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

The respondent herein by his letter dated 17th November, 2015 and 16th January, 2016 expressed that he may neither wanted legal assistance by way of amicus nor was willing to appear and defend his case. Instead he made it clear that this Court can dispose of this case in his absence. Since the respondent has taken such a definite stand we heard Mr. Robin R. David, learned counsel appearing for the petitioner. The learned counsel after referring to the Award of the Arbitrator in particular Clauses (2), (3) and (4) submitted that

as a matter of fact the interest calculation as per the said clause was worked out and a sum of Rs.11,77,453/- (Rupees Eleven lakhs seventy seven thousand and four hundred fifty three) which include the principal as well as the interest in terms of the Award was settled by way of cheque dated 18th February, 2011 and he also executed a receipt dated 4th March, 2011 towards the Arbitral Award amount. The learned counsel brought to our notice the said fact noted by the learned Sixth Additional City Civil Judge, Bangalore City in the judgment dated 11th April, 2012. However, in the impugned judgment, we do not find any reference to the said fact projected before the High Court. We, therefore, give liberty to the petitioner to approach the High Court by way of review and seek for appropriate orders before the High Court. With that liberty, this Special Leave Petition stands disposed of.

[KALYANI GUPTA]
COURT MASTER

[RAJ RANI NEGI]
COURT MASTER