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C.A.No. 4410-4411 OF 2000
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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ITEM NO.104 COURT NO. 2 SECTION XI

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

CIVIL APPEAL NOS. 4410-4411 OF 2000@@
CC

Shanti Lal ... Appellant (s)

Vs.

Krishna Bhagwan Aggarwal and Ors. ... Respondent (s)

(With office report)

With
C.A. Nos. 4412-4413/2000
(With office report)

Date: 20-11-2002 This/These matter(s) was/were called on for
hearing today.

CORAM :
HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE ASHOK BHAN

For appellant (s)
in CA 4410-4411 Mr. ML Verma, Sr. Adv.
Ms. Geetanjali Mohan, Adv.
Mr. DS Nagar, Adv.

in CA 4412-4413 Mr. RF Nariman, Sr. Adv
Dr. Rajiv Dhawan, Sr. Adv.
Mr. Pramod Dayal, Adv.
Mr. Piyush Sharma, Adv.

For respondent (s)
in CA 4410-4411 Mr. Gopal Subramaniam, Sr. Adv.
and CA 4412-4413 Mr. Arvind Kumar Shukla, Adv.
Mr. Rashid Saeed, Adv.
Mr. AD Sikri, Adv.
Mr. Irshad Ahmad, Adv.

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

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Heard counsel for few minutes.

The appeals are disposed of. There shall be no
order as to costs.

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(Alka Dudeja) (S. Krishnan)
Court Master Court Master

Signed order is placed on the file.

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4410-4411 OF 2000@@
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Shanti Lal ... Appellant (s)

Vs.

Krishna Bhagwan Aggarwal and Ors. ... Respondent (s)

With
C.A. Nos. 4412-4413 of 2000@@
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O R D E R@@
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The appeals are disposed of with the consent of the parties in the following terms:

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1. That the common judgment and order dated 19.4.1999 and 15.5.1999 passed by the Allahabad High Court in Civil Miscellaneous Writ Petition No. 6404 of 1999 and Civil Miscellaneous Recalling Application No. 2860 of 1999 respectively be set aside.
2. That the common judgment and order dated 9.2.1999 passed by First Additional District Judge Badaun in Civil Miscellaneous Appeal No. 59 of 1992 be set aside.
3. That the appellants in Civil Appeal Nos. 4412-13 of 2000 will maintain regular accounts of the businesses viz Petrol Pump being run in the name and Style of M/s. Drive Well Service Station Shahdara, Delhi. The profit and loss account will be prepared six monthly and after getting profit and loss account duly audited, the appellants will furnish the copy of the same to Shri Sarvan Kumar, respondent No. 1. The account so prepared shall be furnished to the trial court.

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4. That the appellants will give to Shri Sarvan Kumar ten per cent of the profit of the business as per the aforesaid profit and loss account and on receiving the said amount of ten per cent Shri Sarvan Kumar will give a receipt with respect to the amount received by him.
5. That the appellant in Civil Appeal Nos. 4410-4411 of 2000 shall also maintain regular account in respect of business of running the Petrol Pump in Kasganj, District Etah, U.P., which is being run in the name and Style of M/s. Nand Auto Service.
6. The said appellants will furnish to the trial court as well as to Shri Sarvan Kumar six monthly profit and loss account of the said business of the Petrol Pump at Kasganj, District Etah. Ten per cent of the profit will be deposited by the appellant Shri Shanti Lal in C.A. Nos. 4410-4411 of 2000 in the trial court. The trial court will put the said amount of ten percent in a fixed deposit initially for a period of one year to be renewed and kept alive till the disposal of Original Suit No. 65 of 1982.
7. That the appellants in these appeal will not transfer or in any manner encumber or mortgage any of the fixed assets of the said business except with the leave of the Court.
8. That this arrangement will start from 1.12.2002 and will continue till final disposal of Original Suit No. 65 of 1982.
9. That the appellants shall also furnish the accounts of business with effect from 1st April, 1982 till date to the trial court within one year. If the respondents have any objection to the said account, they may file the said objection before the trial court and the trial court at the time of deciding the suit, shall consider the said objection. If it is found that the Company has earned profit, in that event, the respondents shall have 10 per cent share from the profit after deducting all the statutory deductions, subject to the decision of the trial court. However, this

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direction would not be applicable in Civil Appeal
Nos. 4410-4411 of 2000.

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There shall be no order as to costs.

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.SP1

.....J.
(V.N. KHARE)

.....J.
(ASHOK BHAN)

NEW DELHI
NOVEMBER 20, 2002