

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

IA 3/2012 in CIVIL APPEAL NO. 4167 OF 2012

M.T. ENRICA LEXIE & ANR.

Appellant (s)

VERSUS

DORAMMA & ORS.

Respondent(s)

(With appln(s) for directions and office report )

Date: 18/07/2012 This IA was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Mr. K.K. Venugopal, Sr. Adv.  
Mr. V.J. Mathew, Sr. Adv.  
Mr. Raghenth Basant, Adv.  
Mr. Vipin Vargheseh, Adv.  
Mr. Shyam Mohan, Adv.  
Mr. Senthil Jagadeesan, Adv.

For Respondent(s)  
UOI Ms. Indira Jaisingh, ASG  
Ms. Supriya Jain, Adv. for  
Mr. D.S. Mahra, Adv.

State Mr. M.T. George, Adv.  
Ms. Kavitha K.T., Adv.  
Ms. Lekha, Adv.

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

I.A. Nos. 3 is disposed of in terms of signed order.

(Pardeep Kumar)		(Renu Diwan)	
Court Master		Court Master	

[SIGNED ORER IS PLACED ON THE FILE ]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A. NO. 3 OF 2012  
IN  
CIVIL APPEAL NO. 4167 OF 2012

| M.T. ENRICA LEXIE & ANOTHER |...| APPELLANT(s) |

| Versus |

| DORAMMA AND OTHERS |...| RESPONDENT(s) |

O R D E R

I.A. No.3 of 2012 has been made by the applicants praying therein that Registrar General, High Court of Kerala (for short "Registrar General") be directed to return the demand draft No. 342530 dated May 5, 2012 for Rs. 3 crores drawn on Standard Chartered Bank, Willingdon Island Branch, Cochin given by applicant No. 2 in favour of Registrar General, High Court of Kerala.

2. There is merit in the contention of the applicants that Registrar General was not justified in asking the applicant No. 2 either to furnish the bank guarantee for an amount of Rs. 3 crores in favour of the High Court of Kerala or in the alternative a fixed deposit receipt for the said amount since the direction given by this Court in the order dated May 2, 2012 was unambiguous, unequivocal and clear that the applicant NO. 2 shall execute a bond in the sum of Rs. 3 crores before the Registrar General of Kerala High

: 2 :

Court for production of the first appellant vessel and securing the presence of the six crew members as and when called upon by any court or the Investigating Officer or any other lawful authority. However, now since the applicant No. 2 has already deposited a sum of Rs. 3 crores which has been kept in the fixed deposit, we do not intend to set-aside the direction given by the Registrar General. The prayer made in paragraph 13A of the application is declined.

3. I.A. No. 3 of 2012 is, accordingly, disposed of.

.....J.  
(R.M. LODHA)

.....J.  
(H.L. GOKHALE)

NEW DELHI  
JULY 18, 2012.