

SLP(C)No. 14985 OF 2000

ITEM No.21

Court No. 4

SECTION IVA
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.14985/2000

(From the judgement and order dated 10/03/2000 in MA 166/00
of The HIGH COURT OF M.P AT INDORE)

DEPOT MANAGER

Petitioner (s)

VERSUS

WAHIDAN & ORS.

Respondent (s)

(With Appln(s). for stay & Office Report)

Date : 19/04/2002 This Petition was called on for hearing today.

CORAM :

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

For Petitioner (s) Mrs. J.S. Wad,Adv. for
M/s. J.S. Wad & Co.

For Respondent (s) Mr. Vijay Hansaria,Adv.
M/s Jain Hansaria & Co.

Mr. A.K. Raina,Adv. for
Mr. Anil Kumar Jha,Adv.

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

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

Heard learned counsel for the parties for few
minutes.

Leave granted.

The appeal is allowed.

There shall be no order as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

.PL55

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.2826 OF 2002@@

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(Arising out of S.L.P.(C)No.14985/2000)

Depot Manager

Appellant (s)

versus

Wahidan & Ors.

Respondent (s)

O R D E R@@
CCCCCCCC

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

Leave granted.

We have heard learned counsel for the parties.

We are satisfied that the appellant has made out a case for restoration of the appeal before the High Court. We, therefore, set aside the order and judgment under challenge and send the case back to the High Court for deciding the appeal on merits. The appeal is allowed. There shall be no order as to costs.

Learned counsel appearing for the appellant stated that the appellant has already deposited nearly Rs. 2 lakhs, if it is so, it will be open to the claimant-respondent to withdraw the said amount without furnishing any security subject to the result of the appeal. However, the appellant shall continue to deposit a sum of Rs. 25,000/- per month, as earlier directed, during the pendency of the appeal.

.SP1

.....J
(V.N. Khare)

New Delhi,
April 19, 2002.

.....J
(Ashok Bhan)