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ITEM NO.20

COURT NO.12

SECTION IVA

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)...../2013
CC 11193/2013

(From the judgement and order dated 05/11/2012 in RFA No.744/2005 of the
HIGH COURT OF KARNATAKA AT BANGALORE)

WILFRED D'DOUZA & ANR.

Petitioner(s)

VERSUS

RATHNAVARMA PADIVAL

Respondent(s)

(With I.A. No.1 for c/delay in filing SLP)

Date: 05/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Rajesh Mahale,Adv.
Mr. Krutin Joshi,Adv.

For Respondent(s)

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

Delay condoned.

Heard the learned counsel for the petitioners. He points out that out of the amount claimed, the petitioners have in fact paid Rs.10 lakhs on 17.7.2004 as recorded in paragraph 14 of the order of the Trial Court. That being so, only an amount of Rs.65,486/- remains to be paid as principal amount. Learned counsel wants to ascertain as to whether that amount has been paid or not and if not, whether the petitioner is agreeable to pay the same and within what time.

He further states that as far as the judgment and order of the High Court awarding 12% interest on Rs.10 lakhs is concerned, it is on higher side. It ought to have been at the rate of 6% per annum as has been done by the Trial Court. At the rate of 6% per annum, the amount payable would be half the amount of Rs.5,83,561/-, which we round up to Rs.3 lakhs. Counsel for the petitioner states that the petitioners will deposit the said amount in the Trial Court within four weeks from today.

In view of the above statement, issue notice returnable after six weeks.

Meanwhile, there will be stay of execution of the order passed by the High Court.

On the next date of hearing, the petitioners will produce before this Court the receipt of having deposited the above amount in the Trial Court.

(A.S. BISHT)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER