

ITEM NO.2

COURT NO.13

SECTION XIV

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

RECORD OF PROCEEDINGS

IA 6-7/2014

in CIVIL APPEAL NO. 7944 OF 2011

SYED AIJAZ HASSAN

Appellant (s)

VERSUS

MALIK MOHD. TAHESEEN

Respondent(s)

(With appln(s) for refund of cost and exemption from filing c/c of the impugned order and office report)

Date: 05/05/2014 These Applns. was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Ms. Jyoti Singh, Sr.Adv.
Mr. Tinu Bajwa, Adv.
Mr. Amandeep Joshi, Adv.
Mr. S.A. Zaidi, Adv.
Mr. Md. Farman,Adv.

For Respondent(s) Mr. Bahar U. Barqui, Adv.
Mr. Aftab Ali Khan, Adv.

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

I.A. No. 6/2014

This is an application for refund of the amount that has been deposited before the Registry of this Court in pursuance of the order passed by this Court on 13.05.2011 in SLP(C) No. 13394/2011. The said order reads as follows:

"In the meanwhile, the operation of the impugned order under challenge as also the decree passed by the learned Single Judge of the Delhi High Court shall remain stayed subject to the condition that the petitioner shall deposit a sum of Rupees One Crore in the Registry of this Court within three months from today. It is needless to say that if the

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petitioner fails to deposit the amount, the special leave petition shall stand automatically dismissed."

Be it noted, by virtue of the order passed on 31.10.2011, the Registry was directed to deposit the amount in a fixed deposit of one year's duration. After the stay application was disposed of with the

aforesaid condition, the High Court has taken up the appeal for hearing and allowed the appeal. The operative part of the order of the High Court reads as follows:

"32. Thus, we allow the appeal and set aside the impugned judgment and decree dated March 21, 2006. We decree the suit filed by the respondent against the appellant by directing the appellant to pay the respondent Rs.35,000/- (Rupees Thirty Five Lacs only) together with simple interest @ 15% per annum reckoned from May 14, 2006 till payment is made".

In view of the aforesaid, we are of the considered opinion that the amount that has been deposited before this Court by the conditional order and as the appeal has been allowed by the High Court in favour of the present applicant, the amount should be refunded to him along with accrued interest.

The application is, accordingly, allowed.

(NAVEEN KUMAR)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER