

SLP(C)No. 16760 OF 2000

ITEM No.45

Court No. 3

SECTION XVII
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.16760/2000
(From the judgement and order dated 25/07/2000 in FA 80/00
of The HIGH COURT OF PATNA)

BRANCH MANAGER, UCO BANK & ANR.

Petitioner (s)

VERSUS

M/S. BLUE HEAVENS AGRO INDUST.LTD. & ANR

Respondent (s)

(With prayer for interim relief)

Date : 26/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Mukul Rohtagi, ASG
Mr. Hemant Chaudhri, Adv.
Mr. Sanjeev Malhotra, Adv.

For Respondent (s) Mr. A K Srivastava, Sr. Adv.
Mr. Abhay P Sahay, Adv.
Mr. P.R. Ramasesh ,Adv.

Mr. Rakesh Uttamchadra Upadhyay, Adv.(NP)

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.R

~ Special leave granted.

This appeal is allowed, the impugned order of the High Court is set aside and it is directed that pending hearing of F.A. No. 80 of 2000 there will be stay of execution proceedings against the appellants. The High Court should dispose of the appeal as expeditiously as possible.

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

~ (Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1535 OF 2001@@
CC
[arising out of S.L.P.(C) No. 16760 of 2000]

Branch Manager, UCO Bank & Anr. ..Appellant(s)

vs.

M/s. Blue Heavens Agro Indust. Ltd. & Anr. ..Respondent(s)

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Special leave granted.
After hearing the learned counsel for the parties, we are of the opinion that in the facts of the present case the High Court ought to have stayed execution of the decree against the appellants herein. Without expressing any opinion or giving any reason in respect thereof, because that may prejudice the parties in the appeal which is pending, we allow this appeal, set aside the impugned order of the High Court and direct that pending hearing of F.A. No. 80 of 2000 there will be stay of execution proceedings against the appellants. The High Court should dispose of the appeal as expeditiously as possible.

.SP1

.....J.
(B.N. KIRPAL)

.....J.
(RUMA PAL)

New Delhi;
February 26, 2001.

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