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ITEM NO.2

Court No.2

SECTION IX

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(s).18959/2013

(From the judgement and order dated 08/05/2013 in WP No.4418/2013 of The HIGH COURT OF BOMBAY)

COIR BOARD

Petitioner(s)

VERSUS

SHWETAL BALCHANDRA DAVE

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment and with prayer for interim relief)

Date: 23/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE DIPAK MISRA
(VACATION BENCH)

For Petitioner(s) Mr. A.K. Gupta, Sr. Adv.
Mr. P.J. Philip, Adv.
Mr. P.K. Manohar, Adv.

For Respondent(s) Mr. Nidhesh Gupta, Sr. Adv.
Ms. Rohini Musa, Adv.
Ms. Gada Preeti, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order. No order as to costs.

| (DEEPAK MANSUKHANI)
| Court Master

| (M.S. NEGI)
| Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4714 OF 2013
(Arising out of SLP(Civil) No. 18959 of 2013)

COIR BOARD

Appellant(s)

VERSUS

SHWETAL BALCHANDRA DAVE

Respondent(s)

O R D E R

Leave granted.

Heard Mr. A.K. Gupta, learned senior counsel along with Mr. P.J. Philip, for the appellant and Mr. Nidhesh Gupta, learned senior counsel along with Ms. Rohini Musa for the respondent.

The present appeal is directed by the order passed by the High Court of Judicature at Bombay in WP No. 4418 of 2013 dated 8th May, 2013 whereby the High Court has declined to interfere with the order passed by the Division Bench of the Small Causes Court which has directed the appellant to deposit the compensation amounting a sum of Rs. 78 lacs.

It is submitted by Mr. A.K. Gupta, learned senior counsel for the appellant that there has been no proper determination of compensation and during pendency of appeal, such a direction was not warranted. It is urged by him that the High Court ought to have interfered with the order.

Mr. Nidhesh Gupta, learned senior counsel for the respondent, per contra, has submitted that as per the dictum laid down by this Court, the appellant is required to pay compensation and the same has been appositely determined and, therefore, the order passed by the High Court deserves to be sustained.

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Having heard learned counsel for the parties and without entering into the merits of the lis as raised before in appeal and the so called determination made so far, as contended by Mr. Nidhesh Gupta, we only direct that the appellant shall deposit a sum of Rs. 38 lacs before the Small Causes Court within a period of four weeks from today which shall be kept in a fixed deposit account in a Nationalised Bank.

At this juncture, we have been apprised that there is also

a direction to pay a monthly compensation of Rs. 2,40,000/-. Regard being had to the fact that the appellant is a statutory corporation and the matter is subjudice, we direct that the monthly compensation @ Rs. 1,20,000/- be deposited before the Division Bench of the Small Causes Court. If any issue pertaining to withdrawal would arise, appropriate application may be moved before the Court concerned which shall pass necessary orders.

Regard being had to the nature of the lis, we direct the appellate forum to decide the appeal within a period of four months hence. Needless to say that we have not expressed any opinion on the merits of the case.

The appeal is accordingly disposed of. No order as to costs.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(DIPAK MISRA)

NEW DELHI
MAY 23, 2013.