

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.7087 OF 2004.

CENTRAL BANK OF INDIA

Appellant (s)

VERSUS

M/S. ANISH ENTERPRISES

Respondent(s)

[With prayer for interim relief]

Date: 17/10/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K.MATHUR

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mrs. Rachna Gupta, Adv.

Dr. I.P. Singh, Adv.

For Respondent(s) Mr. R.N. Keshwani, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Civil Appeal is dismissed in terms of the signed order.

(Subhash Chander)

Court Master

(Phoolan Wati Arora)

Court Master

[Signed Order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7087 OF 2004

Central Bank of India

.....Appellant

Versus

M/s. Anish Enterprises

.....Respondent

O R D E R

Heard learned counsel for the appellant.

We have perused the order passed by the High Court as well as the order of the

Banking Ombudsman. We do not find any apparent error committed by the High court to

warrant any interference.

Learned counsel for the appellant tried to persuade us by submitting that the

appellant does not hold any title to the demand draft. This contention is neither here nor there.

When the draft had been produced and the bona fide of the incumbent is not doubted then there

is no question of any presumption against the accused. The Ombudsman has rightly found that

there is nothing to connect the accused with the so-called commission of crime of forged demand

draft. Hence, we are of the opinion that the view taken by the Ombudsman as well as by the

High Court does not warrant any interference in this appeal. The appeal is dismissed. The

amount of Rs.2.92 lacs, stated to have been deposited, as recorded in the order dated 10th April

2006 passed by this Court, shall be released to the respondent forthwith with interest, if any,

accrued thereon.

Sd/-

....J.

.....  
[A.K. MATHUR]

Sd/-

New Delhi.

....J.

October 17, 2006.

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[LOKESHWAR SINGH PANTA]