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SLP(C)No. 18052 OF 2000
ITEM No.204

Court No. 9

SECTION XVI
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.18052/2000

(From the judgement and order dated 04/08/2000 in APD 217/00
of The HIGH COURT OF CALCUTTA)

MANISHA SHIKHA TANI WELFARE TRUST & ORS.

Petitioner (s)

VERSUS

INDIAN BANK & ORS.

Respondent (s)

(With Appln(s). for permission to place addl. documents on record)
(For Final Disposal)
(With Office Report)

Date : 19/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Biswanath Mitra,Adv.
Ms. Indra Sawhney,Adv.
Ms. Sujata Mitra,Adv.

For Respondent (s) Mr. Himanshu Munshi,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

The appeal is partly allowed.
No order as to costs.

.SP1

(Ganga Thakur)
P.S. to Registrar

(Radha Rani Bhatia)
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. OF 2001@@
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MANISHA SHIKHA TANT WELFARE TRUST & ORS. ...APPELLANTS

VERSUS

INDIAN BANK & ORS. ...RESPONDENT

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

Two suits filed on the Original Side of the High Court, between the same parties, were disposed of by learned Single Judge by a common judgment. Indian Bank, plaintiff in one suit, filed an appeal. Manisha Shikha Tani Welfare Trust (hereinafter, referred to as 'the Trust') filed cross objections which were treated as appeal in the impugned judgment. The appeal filed by the Indian Bank was disposed of by the High Court. So far as the cross objections filed by the Trust are concerned, having perused the memo of cross objections and the contents of the impugned judgment, we are satisfied that there has been no satisfactory disposal of several pleas raised in the cross objections. The grievance of the learned counsel for the Trust is that by the impugned judgment the cross objections were treated as appeal and there has been no hearing on the cross objections, converted into ...2/-

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appeal, by the impugned judgment. The fact that all the pleas raised in the cross objections and all the grounds set out therein have not been satisfactorily disposed of could not be seriously controverted by the learned counsel for the Indian Bank, though he tried to support the impugned judgment.

For the foregoing reasons the appeal is partly allowed. Though the dismissal by the High Court of the appeal preferred by the Indian Bank is maintained, inasmuch as the Indian Bank has not chosen to file any SLP against the impugned judgment, the appeal by the Trust before the High Court is remanded for hearing and decision afresh on the cross objections preferred by the Trust. No order as to costs.

.SP1
.....J.
(R.C. LAHOTI)

New Delhi,
October 19,2001.
.....J.
(K.G. BALAKRISHNAN)