

ITEM NO.5

COURT NO.2

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 28329/2013

(Arising out of impugned final judgment and order dated 01/03/2013
in CRP No. 295/2009 passed by the High Court Of Patna)

INDIAN OIL CORPORATION LTD. & ANR. Petitioner(s)

VERSUS

THE STATE OF BIHAR Respondent(s)

(with interim relief and office report)

Date : 26/11/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Tushar Mehta, ASG,
Mrs. Priya Puri, Adv.
Mr. Ranjan Kumar Dubey, Adv.

For Respondent(s) Mr. Samir Ali Khan, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

(Shashi Sareen)
AR-cum-PS

(Veena Khera)
Court Master

(Signed order is placed on the file)

Signature Not Verified

Digitally signed by
Shashi Sareen
Date: 2015.11.28
06:14:47 IST
Reason:

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 13758 OF 2015
(Arising out of SLP(C) No.28329 of 2013)

INDIAN OIL CORPORATION LTD. AND ANR.

... Appellant(s)

Versus

THE STATE OF BIHAR

...

Respondent (s)

O R D E R

Leave granted.

This appeal arises out of an Order dated 01.03.2013 passed by the High Court of Judicature at Patna whereby Civil Revision No. 295 of 2009 filed by the appellant-Corporation has been dismissed and Order dated 20.12.2008 passed by learned Special Judge, Supaul in Money Execution Case No. 4 of 2006 affirmed.

When the matter initially came up before us on 03.02.2014, we had while issuing notice to the respondent-decreeholder directed the appellant-Corporation to deposit the entire decretal amount before the High Court within six weeks from the date of the said order. Further proceedings before the Executing Court were on such deposit directed to remain stayed with a request to the High Court to expedite the

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hearing and final disposal of the first appeal filed by the appellant-Corporation.

When the matter came up today, Mr. Tushar Mehta, learned ASG appearing for the appellant-Corporation submitted that the High Court has by an Order dated 29.04.2014 condoned the delay in the filing of First Appeal No. 83 of 2008 and admitted the appeal for hearing. He further points out that the appellant-Corporation has already deposited the entire decretal amount before the High Court in compliance with the direction of this Court dated 03.02.2014. He

submitted that since the deposit stands made and the delay in the filing of appeal condoned, the High Court could be requested to hear and dispose of the appeal as early as possible and the interim order passed by this

Court staying execution proceedings continued pending disposal of the said appeal. We find merit in the submission of Mr. Mehta.

Since the appeal filed by the appellant-Corporation against the decree suffered by it has already been entertained by the High Court and since the entire decretal amount also stands deposited with the High Court, we see no reason why the appeal cannot be taken up or hearing at an early date and disposed of by the High Court.

We accordingly direct that while the execution proceedings pending before the Executing Court

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shall remain stayed, the High Court shall make an endeavour to dispose of the appeal expeditiously. The amount so deposited by the appellant before the High Court shall in the meantime stand invested in a term deposit to ensure for the benefit of the successful party. With the above observations the appeal is disposed of leaving the parties to bear their own costs.

.....J.
(T.S.THAKUR)

.....J.
(KURIAN JOSEPH)

New Delhi,
Dated: 26th November, 2015.