

SLP(C)No. 19301 OF 2000

ITEM No.35

Court No. 3

SECTION XI
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.19301/2000

(From the judgement and order dated 12/10/2000 in CMWP 43530/00
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

M/S. ANKIT CARPETS & ORS.

Petitioner (s)

VERSUS

BANK OF INDIA

Respondent (s)

(With prayer for interim relief)

Date : 30/03/2001 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. A.P. Chhabra, Adv.
Mr. Alok Kr. Bhachaawat, Adv.
Mr. Ugra Shankar Pd., Adv.

For Respondent (s) Mr. Adarsh B. Dial, Adv.
Mr. Rajiv Nanda, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

.SP2

Special leave granted.
The appeal is disposed of in terms of the signed
order.

.SP1

Kalyani. (S.L. GOYAL) @@
AA
COURT MASTER@@
A AA

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
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(Arising out of S.L.P. (C) No. 19301 of 2000)

M/s Ankit Carpets & Ors. Appellants

Versus

Bank of India Respondent

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

.SP2

Special leave granted.

After hearing the counsel for the parties, we are of the opinion that on the facts of this case the decision to require Rs. 5,00,000/- (Rupees Five lakhs) being deposited prior to permitting the filing of the written statement was incorrect. On summons being issued, the defendant has 30 days, as of right, to file his reply pursuant to the show cause notice and no condition can be imposed at least till the 30 days are over.

The order of the High Court as well as that of the Debt Recovery Officer are set aside. The appellants are permitted to file their written statement in the Tribunal within two weeks from today. If the written statement is filed the case will proceed thereafter. If ...2/-

: 2 :

the written statement is not filed within two weeks from today, then the decree passed by the trial court will stand. Parties to appear before the Tribunal on 16th April, 2001.

The appeal is disposed of in the aforesaid terms.

.SP1

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

.....J
(RUMA PAL)

New Delhi,
March 30, 2001.