

C.A.No. 7235-7243 OF 1999

ITEM No.1

Court No. 6

SECTION IV

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

I.A.Nos.49-57 IN Civil Appeal No.7235-7243/1999

INDIAN OIL CORPN. LTD., PANIPAT

Appellant (s)

VERSUS

RAM NATH KUNDU AND ORS.

Respondent (s)

( For clarification and Office Report )

Date : 19/04/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI

HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s)

Mr.RP. Bhatt,Sr.Adv.  
Mr. M.N. Shroff,Adv.  
Mr.Chirag M. Shroff,Adv.  
Ms. Reeta P.Chandrana, Adv.

For Respondent (s)

Mr. SL.Aneja,Adv.  
Mr. AK. Choudhary, Adv.  
Mr. J.P. Dhanda, Adv.

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

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

I.As. are disposed of in terms of the signed order.

.SP1

(S. Thapar)  
PS to Registrar

(Kanwal Singh)  
Court Master

The signed order is placed on the file.

.PA  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NOS.49 TO 57

I N

CIVIL APPEAL NOS.7235-7243 OF 1999

Indian Oil Corporation Ltd., Panipat

... Appellant (s)

versus

O R D E R

In these applications the petitioners/appellants pray for modification of the order of this Court passed in I.A.Nos.40 to 48 on January 14, 2002. When that order was made what was brought to our notice was the modified order of this Court dated November 24, 2000 and not the order made, disposing of the appeals, on April 30, 2001. By our interlocutory order dated November 24, 2000 we gave liberty to the respondents to withdraw the amount of compensation awarded by the Reference Court on furnishing security to the satisfaction of the District Judge. When it was submitted that inspite of the said order the claimants were not permitted to withdraw the amount by the appellant we passed the order on January 14, 2002. Indeed as on that date, the appeals stood disposed of on April 30, 2001, slightly modifying the earlier interlocutory order, by permitting the claimants to withdraw one half of the enhanced compensation on furnishing bank guarantee of the Nationalised Bank.

It is now brought to our notice that pursuant to the order of November 24, 2000 six claimants have withdrawn the compensation by furnishing security; the learned District Judge, having taken note of the said orders, permitted the remaining claimants also to withdraw the amount of enhanced compensation pursuant to our order of this Court dated November 24, 2000. Mr.R.P.Bhatt, the learned senior counsel appearing for the petitioners/appellants, however, contends that they may be called upon to furnish bank guarantee for the amounts withdrawn by them. We do not think that such a course of action is necessary; in the facts and circumstances of the case, we would maintain the orders of the learned District Judge permitting withdrawl of enhanced compensation by giving effect to our earlier order, as in our view, furnishing security to the satisfaction of the learned District Judge, would meet the ends of justice.

With the above observations, the Interlocutory Applications are disposed of.

.J.

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[Syed Shah Mohammed Quadri]

.....J.

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[S.N.Variava]

New Delhi,  
April 19, 2002.