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C.A.No. 7235-7243 OF 1999

ITEM No.6

Court No. 8

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.13-39 IN Civil Appeal.No.7235-7243/1999

INDIAN OIL CORPN. LTD., PANIPAT

Appellant (s)

VERSUS

RAM NATH KUNDU AND ORS.

Respondent (s)

(For directions and impleadment/intervention and exemption from filing OT)
(With Office Report)

Date : 30/04/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. PHUKAN

For Appellant (s) Mr. Soli J. Sorabjee, AG.
Mr. RP. Bhatt, Sr.Adv.
Mr. M.N. Shroff,Adv.
Mr. Sanjay Katyal, Adv.
Mr. CM. Shroff, Adv.

For Respondent (s) Mr. SL. Aneja, Adv.

Mr. Mahabir Singh,Adv. (NP)

Mr. R.C. Verma,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

Impleadment applications are dismissed.
Exemption is allowed.
Appeals are allowed.
There shall be no order as to costs.

.SP1

(S.Thapar)

(Kanwal Singh)@@

AA
PS to Registrar Court Master@@
AA

The signed order is placed on the file.

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7235-7243 OF 1999@@
EEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEEE

(With I.A.Nos.13 to 39)

Indian Oil Corporation Ltd., Panipat

Appellant (s)

Versus

Ram Nath Kundu & Ors.

Respondent (s)

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

Impleadment application are dismissed.
Exemption is allowed.

These appeals arise out of an interlocutory order passed by the High Court of Punjab & Haryana at Chandigarh in RFA.Nos.3241-3249/1999 dated 15.10.1999 permitting the respondents to withdraw the amount of enhanced compensation.

This Court by order dated December 13, 1999 granted leave to appeal against the said order and stayed the impugned order of the High Court. That order was modified on 24.11.2000 and the modified order reads as follows:

.....L.....T.....T.....T.....T.....T.....T.....J.....R
.SP1

"Having heard the learned counsel for the parties, we are of the view that the said order of this Court needs to be modified permitting the respondents to withdraw one half of the compensation awarded by the Reference Court on furnishing security to the satisfaction of District Judge, Panipat. The said order of this Court is accordingly modified. I.As. are disposed of as indicated above."

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

Now Interlocutory Application Nos. 13 to 21 are filed seeking further modification of this order. We do not propose to entertain these applications because, in our view, the appeals having arisen out of an interlocutory order ,can be disposed of.

Haviang regard to the quantum of enhanced compensation we consider, an equitable order would meet the ends of justice. We set aside the order of the High Court and pass the following order.

.....L.....T.....T.....T.....T.....T.....T.....J.....R
.SP1

"The respondents shall be permitted to withdraw

one half of the enhanced compensation on
furnishing bank guarantee of a nationalised
bank in the Reference Court, District Judge,
Panipat."

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

The order of the High Court under appeal is modified
to the above extent. The appeals are allowed accordingly.
There shall be no order as to costs.

.SP1

.....J
(Syed Shah Mohammed Quadri)

New Delhi,
April 30, 2001

.....J.
(S.N. Phukan)