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C.A.No. 7856 OF 1997  
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Item No. Court No. Section  
104 03 IX

S U P R E M E C O U R T O F I N D I A  
Record of Proceedings

Civil Appeal No. 7856 of 1997

Padma V. Sharma Appellant (s)

vs.

A.K. Menon & Ors. Respondent(s)

(with appln.(s) for permission to place addl. documents on record)

Date:26/09/2001 This/These matter(s) was/were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For the Appellant (s): Mr. R F Nariman, Sr. Adv.  
Mr. Navin Chawla, Adv.  
Mr. Maninder Singh, Adv.

For the Respondent(s): Mr. Shiraz Rustomjee, Adv.  
Mr. A Subba Rao, Adv.  
  
Mr. Mahesh Agarwal, Adv.  
Mr. Manu Krishnan and Mr. E C Agrawala, Adv.  
  
Mr. T N Singh, Adv. (NP)

UPON hearing the counsel the Court made the following  
ORDER

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The appeal is allowed in terms of the signed order, the impugned judgment of the Special Court is set aside and the case (Garnishee Notice No. 20 of 1997) is remanded to the Special Court for a fresh trial. The interim orders passed by this Court will continue till the disposal of the matter by the Special Court.

(D.P. Walia)  
Court Master

(S.L. Goyal)  
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. 7856 OF 1997@@  
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Padma V. Sharma ..Appellant

vs.

A.K. Menon & Ors. ..Respondent

O R D E R@@  
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After hearing the counsel for the parties, we note that in the impugned judgment it has been stated that the Garnishee wanted to lead oral evidence to prove its case. In the latter part of the judgment, the Special Court has observed that no attempt was made to lead evidence on the case. Perhaps, the latter observation may be in relation to another part of the case, but be that as it may, as far as the appellant is concerned, there was a clear request which has been made for leading oral evidence. Under the circumstances and seeing to the nature of the dispute involved, it would have been appropriate for this request to have been acceded to.

We, accordingly, on this ground alone, allow this appeal, set aside the impugned judgment of the Special Court and remand the case (Garnishee Notice No. 20 of 1997) to the ...2/-

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Special Court for a fresh trial. The interim orders passed by this Court will continue till the disposal of the matter by the Special Court.

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

.....J.  
(N. SANTOSH HEGDE)

.....J.  
(P. VENKATARAMA REDDI)