

Leave granted.

Notice in this appeal was confined to the question of refund of the amount of Rs.1,50,000/- paid to the petitioner in terms of interim order passed by the High Court.

We have heard learned counsel for the parties. Having regard to the facts and circumstances of the case and bearing in mind the fact that the said amount had been paid to the petitioner more than seven years ago, we feel that interests of justice demand that the petitioner should not be asked to refund the said amount to the respondent.

Accordingly, the appeal is partly allowed and the impugned judgment, insofar as it permits the respondent to recover the said amount from the appellant, is set aside.

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The appeal stands disposed of with no order as to costs.

....., J.
(D.K. JAIN)

....., J.
(H.L. DATTU)

NEW DELHI
FEBRUARY 25, 2011