

ITEM NO.17

COURT NO.12

SECTION XIA

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(s).24697-24702/2004

(From the judgement and order dated 13/08/2004 in IA No. 8299/2004, 8990/04, 9331/2004, 10213/04 in I.A.No.15649/03 in CMP 17682/99 in OP No.15667/92 S and the impugned judgment and final order dated 19.8.2004 in I.A.Nos.8299/04 and 10213/04 in I.A.No.15649/03 in CMP 17682/99 in OP No.15667/92 S of The HIGH COURT OF KERALA AT ERNAKULAM)

TRAVANCORE DEVASWOM BOARD

Petitioner(s)

VERSUS

D. SUNDARESAN & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 28/03/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner(s)

Mr.Krishnan Venugopal, Adv.

Mr. A. Raghunath,Adv.

For Respondent(s)

Mr.T.L.V.Iyer, Sr.Adv.

Mr. V.J. Francis,Adv.

Mr.Anupam Mishra, Adv.

Mr.Jenis, Adv.

UPON hearing counsel the Court made the following

O R D E R

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In these petitions, notice was issued to the contesting respondent No.1 who is

represented by the counsel engaged. On a request made on behalf of respondent No.1,

the following directions in the operative part of the impugned order of the High Court

which are quoted below are set aside so as to enable the parties to mutually negotiate and

settle their claims:-

"7. After hearing both sides, we pass the following order :
The Travancore

Devaswom Board shall pay an amount of Rs.41,48,120/- to the claimant on his

furnishing bank Guarantee from a nationalized Bank or Scheduled Bank. Initially, the

Bank Guarantee may for one year and if necessary, renewed for further period. This is

subject to the result of OP(Arbitration) No.22 of 2004. We make it clear that we have not

decided the merit of the issues. So far as the prayer for release of the Bank Guarantee

for Rs.10,00,000/- is concerned, we take note of the contention of the Devaswom Board and also the fact that the matter is pending before the District Court, Pathnamthitta.

Hence, we decline to grant that prayer."

The Special Leave Petitions stand disposed of accordingly with setting aside the above quoted directions made by the High Court in the order impugned.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master