

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).2805/2006

(From the judgement and order dated 21/06/2005 in FA No. 50/1990 of The HIGH COURT OF BOMBAY)

ONAMBILLE RAMAKRISHNAN THANKAPPAN NAIR

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date: 08/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. Makarand D. Adkar, Adv.

Mr. Vijay Kumar, Adv. for

Ms.Aparna Jha,Adv.

For Respondent(s) Mr. R. Mohan, ASG

Mr. V.G. Pragasam, Adv. for

Mr. D.S. Mahra,Adv.

UPON hearing counsel the Court made the following

O R D E R

While issuing notice on 27th January, 2006, we had passed the following

order:

"The petitioner was a contractor to whom the work of supply  
ing ballast (khadi) was given by the respondent-Union of India (UOI). His  
contract was terminated by the UOI by a notice dated 28th  
June, 1980. The petitioner filed a suit for refund of the earnest money and  
balance of bill amount, totalling to Rs.9,000/-. The UOI fi  
led its written statement in the suit. It also filed counter-claim, claiming a  
the sum of Rs.2,21,225/29 p.. The Trial Court while dismissing  
r partly counter-claim filed by UOI, decreed the suit of the petitione  
and directed the UOI to pay to the petitioner a sum of Rs.8,265/-.

The UOI filed first appeal against the decree passed by the Trial Court  
directing the UOI to pay Rs.8,265/- as well as against the dismissal  
of its counter-claim.

By the impugned order, the High Court has allowed the appeal and  
the set aside the decree passed by the trial court in favour of  
s petitioner, which leads to the impression that the High Court ha  
allowed the counter-claim of the UOI also, without examining the  
merits thereof."

Learned Additional Solicitor General appearing for the respondent fai  
rly concedes that the counter-claim of the Union of India has not been decreed. With  
this clarification, the special leave petition is dismissed.

(J.S. Rawat)

(Kanwal Singh)

