

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)...../2005

CC 10822/2005

(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)

(With appln(s) for c/delay in filing SLP)

Date: 27/01/2006 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. Markarand D. Adkar, Adv.

Mr. B.K. Mishra, Adv.

Mr. Vijay Kumar, Adv.

Ms.Aparna Jha,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The petitioner was a contractor to whom the work of supplying 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 filed its written statement in the suit. It also filed counter-claim, claiming a sum of Rs.2,21,225/29 p.. The Trial Court while dismissing the counter-claim filed by UOI, decreed the suit of the petitioner partly 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 set aside the decree passed by the trial court in favour of the petitioner, which leads to the impression that the High Court has allowed the counter-claim of the UOI also, without examining the merits thereof.

Delay condoned.

Issue notice.

The petitioner is permitted to serve the UOI through Central Agency.

(J.S. Rawat)

AR-cum-PS

(Khushi Ram)

Court Master