

ITEM NO.47

COURT NO.7

SECTION XI

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).25526/2008

(From the judgement and order dated 29/04/2008 in CMWP No.
44189/2006 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

HADI RAZA KHAN

Petitioner(s)

VERSUS

RAMPUR ZILA SAHKARI BANK LTD.& ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 18/09/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s)

Mr. Bharat Sangal,Adv.

For Respondent(s)

Mr. Vishwa Pal Singh,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal is disposed of in terms of the signed
order.

(Sukhbir Paul Kaur)
Court Master

(Neeru Bala Vij)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6402 OF 2009
(Arising out of S.L.P.(C) No.25526 of 2008)

HADI RAZA KHAN

Appellant(s)

Versus

RAMPUR ZILA SAHKARI BANK LTD. & ORS.

Respondent(s)

O R D E R

We have heard learned counsel for the parties.

Leave granted.

In pursuance of the Order of this Court dated 3rd August, 2009 the General Manager of the Rampur Zila Sahkari Bank Ltd. has produced a draft of Rs.7,39,848.71. According to the Bank, this is the total amount due and payable to the appellant.

Learned counsel appearing for the appellant submits that apart from this amount appellant is also entitled to receive Rs.2,34,083.75 which has been calculated by the Bank on the principal amount of Rs.45,000/- plus interest. Learned counsel for the Bank submits that though the appellant has succeeded before the Trial Court but against that judgment an appeal is pending before the Allahabad High Court and this amount will be released only after the appellant eventually succeeds from the Court.

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In the facts and circumstances of this case, we deem it appropriate to handover the bank draft of Rs.7,39,848.71 to the appellant. Ordered accordingly. In case, ultimately the appellant succeeds from the High Court then he would be further entitled to the aforesaid amount of Rs.2,34,083.75 with 9% interest p.a.. The High Court is requested to decide the matter as expeditiously as possible.

With these observations, this appeal is disposed of.

.....J.
(DALVEER BHANDARI)

.....J.
(DR. MUKUNDAKAM SHARMA)

New Delhi,
September 18, 2009