

SECTION XVII

MATTER FOR :
HON'BLE JUDGE-IN-CHAMBERS.
ITEM NO.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 731 OF 2008

Chief Medical Officer & Ors. ...Appellants
VERSUS
Indrani Bhattacharjee. ...Respondent

OFFICE REPORT FOR DIRECTION

It is submitted that at the time of filing the instant appeal, Counsel for the Appellant has deposited a sum of Rs. 50,000/- in terms of Section 23 of the Consumer Act, 1986.

The matter above mentioned was listed before the Hon'ble Court with office report for directions on 26th February, 2010, when the Court was pleased to pass the following Order:-

"The sum of Rs. 50,000/-(Rupees fifty thousand) deposited by the appellant shall be kept in a fixed deposit for a term of one year renewable till disposal of the appeal."

It is submitted that pursuant to above said Hon'ble Court's Order, the said amount of Rs. 50,000/- was invested in FDR initially for a period of one year and renewed from time to time and is now going to mature on 12.03.2017.

It is further submitted that the instant appeal was listed alongwith with its main matter i.e. C.A. No. 5379 of 2007 before the Hon'ble Court on 24.11.2016, when the Court was pleased to pass the following Order:-

"we have heard learned counsel for the parties and find no merit in this appeal, which is accordingly dismissed.

We have been informed that an amount of Rs. 2.5 lakhs has been paid to the complainant by the appellants. The balance amount of Rs. 2.5 lakhs should be paid to the complainant within a period of four weeks from today and in any case before 31st December, 2016."

It is further submitted that Order XXIV Rule 7 of the Supreme Court Rules, 2013 read as under :

"if the appeal is allowed by the Court the amount deposited by the appellant would be refund to him without interest but if it is dismissed, the same will be allowed to be withdrawn by the respondent or may be disbursed as per the direction of the Court in that behalf."

It is further submitted that the office report for direction was listed before the Ld. Registrar on 9th March, 2017. when the following Order was passed:-

"From the perusal of the office report, it is revealed that the appeal in which the amount was directed to be deposited and consequently kept in the F.D.Rs has been dismissed, as such, the office report for appropriate orders in respect of the deposited amount needs to be placed before the Hon'ble Court and Registry to process under rules."

It is lastly submitted that neither counsel for the appellant nor counsel for the respondent has filed application for withdrawal of suitors' fund amount in the matter. Original paper books have been weeded out after due preservation as per policy.

Orders are Solicited for disbursement of the above amount of Rs. 50000/- + interest and for such orders as the Hon'ble Court may deem fit.

The matter above-mentioned is listed before the Hon'ble Judge-in-Chambers with this Office Report for directions.

Dated this the 9th day of March, 2017

ASSISTANT REGISTRAR

Copy to : Mr. Pradeep Kumar Bakshi, Advocate
Mr. Parijat Sinha, Advocate

ASSISTANT REGISTRAR