

ITEM NO.1

COURT NO.2

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 23901/2007

(Arising out of impugned final judgment and order dated 12/10/2007 in LPA No. 1273/2007 passed by the High Court Of Delhi At N. Delhi)

NORTH DELHI POWER LTD.

Petitioner(s)

VERSUS

NATHU RAM & ORS.

Respondent(s)

(office report for direction)

Date : 08/12/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Abhay Kumar, Adv.
Mr. Khalid Akhtar, Adv.

For Respondent(s) Mr. Bhim Sen, Adv.
Mr. Raj Kuamr Kaushik, Adv.
Mrs. Shally Bhasin Maheshwari, Adv.

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

On 19th September, 2014 Mr. Nagendra Rai, learned senior counsel appearing for the petitioner-company made a statement to the effect that the amount has already been disbursed to respondent No.1- Nathu Ram. The SLP was on that statement dismissed leaving the question of law raised left open. Office report now indicates that a sum of Rs.1,09,498/- deposited by the

petitioner-company is lying in fixed deposit which is maturing on 26.12.2014. The Registry has sought a direction regarding the disbursement of the said amount.

Learned counsel for the petitioner-company submits that although the amount was not actually disbursed to respondent No.1-Nathu Ram as stated on behalf of the petitioner-company earlier the same could be disbursed but for the fact that Nathu Ram the employee concerned has passed away on 11.01.2008. Our attention has also been drawn to two applications seeking substitution in place of the deceased Nathu Ram. One of these applications is filed by Shri Kanhaiya Lal who claims on the basis of a Will allegedly executed in his favour while the other is filed on behalf of the widow and two sons left behind by Nathu Lal. We are also informed by learned counsel for the parties that Kanhaiya Lal has instituted probate proceedings before the District Court, Tis Hazari Court, Delhi where the widow and sons of Nathu Ram are also parties. Whether or not the amount in question can be paid to Kanhaiya Lal who claims on the basis of the Will therefore would depend upon whether Probate Court grants a probate in his favour. It is in that view proper to direct transfer of the amount lying in deposit together with interest accrued on the same to the Court seized of the probate

proceedings instituted by Kanhaiya Lal, who shall disburse the amount to the successful party in the said proceedings. The Registry to do the needful.

We order accordingly.

(Shashi Sareen)
Court Master

(Veena Khera)
Court Master