

M/S Mehta Teja Singh and Company

Vs

Grindlays Bank Limited

Civil Appeal No. 648 of 1980

(CJI Y. V. Chandrachud, D. A. Desai JJ)

20.03.1980

ORDER

1. Heard counsel. Special leave granted.
2. It is true that the appeal is directed against an order passed by the High Court, which is of an interlocutory nature. We, however, find it somewhat difficult to appreciate that the High Court should have granted stay of a money decree, and that too, by requiring the appellant before it (respondent herein) - Grindlays Bank Ltd. - to deposit only a part of the decretal amount. We, therefore, direct that the respondent shall deposit in the High Court, within four weeks from today, the balance of the decretal amount which we are told is about Rs 1,10,000 (Rupees one lakh and ten thousand). The appellant - M/s Mehta Teja Singh and Co. will be at liberty to withdraw the said amount on furnishing Bank guarantee to the satisfaction of the Prothonotary of the High Court.
3. We must mention that no notice was given to the respondent of this matter and Mr Sorabji, appearing on behalf of the appellant, draw our attention pointedly to this fact. We do not, however, think that the respondent is likely to object to the order which we have passed. If the respondent feels aggrieved by the order, it will be at liberty to apply to us for its reconsideration.
4. Mr Sorabji agrees to serve a copy of this Order on the respondent as also on the respondent's advocate in the High Court.
5. The appeal shall stand disposed of in terms of this order.

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