

SUPREME COURT OF INDIA

Vijaya Bank

Vs.

Kishore Chandra Chandulal Patel

C.A.No.1904 of 1986

(M. P. Thakkar and S. Natarajan, JJ.)

06.05.1986

ORDER:-

1. Special Leave granted. Heard both the sides.

2. The view taken by the High Court in judgment under Appeal per N. H. Bhatt, J. in Special Civil Application No. 1702 of 1984 is erroneous and unsustainable. We are of the opinion that the view taken by the High Court in Revision Application No. 1738 of 1979 per M. B. Shah, J., as per his judgment dated June 27, 1985* is the correct view. The judgment under appeal is, therefore, set aside.

* Reported in 1985 Guj LH 1204.

3. Civil Suits Nos. 117 of 1982 and 153 of 1983 pending in the trial Court will now proceed further from the stage where they were prior to the order of the High Court. Learned counsel for the

appellant states that the appellant has no objection to discuss the matter with a view to settle the amicably as suggested by counsel for respondent. It will be open to them to do so. Appeal allowed accordingly. No costs throughout.

Appeal allowed.