

SUPREME COURT OF INDIA

Swamidasan

Vs.

Kali

C.A.No.352 of 2000

(Dr. A. S. Anand, C.J.I., S. P. Kurdukar and R. C. Lahoti, JJ.)

13.01.2000

JUDGMENT:-

1. Leave granted.

2. After hearing learned counsel for the parties, we are of the opinion that though the order made by the High Court has essentially granted relief in equity and no interference is called for at our hands in our jurisdiction under Article 136 of the Constitution, but in the peculiar facts and circumstances of this case, since the amount of Rs. 8,000/- had been deposited by the appellant as early as in 1989, it would be appropriate that the respondent No. 1 should, in addition to depositing sum of Rs. 20,000/- as directed by the High Court vide order dated 14th July, 1997, impugned herein, also pays interest to the appellant, which we quantify as Rs. 5,000/- in toto. Thus, the appellant shall be entitled to receive Rs. 25,000/-.

3. On the entire amount of Rs. 25,000/- being deposited in the trial Court within eight weeks from today, the sale shall stand set aside. The bank shall be entitled to withdraw its outstandings against respondent No. 1 from out of the amount already deposited by the auction purchaser in the Court

below.

4. The appeal is disposed of in the above terms. No costs.

Order accordingly.