

Times Global Broadcasting Co.Ltd & Another

v.

Parshuram Babaram Sawant

(Supreme Court Of India)

HON'BLE MR. JUSTICE G.S. SINGHVI HON'BLE MR. JUSTICE  
SUDHANSU JYOTI MUKHOPADHAYA

Special Leave to Petition (Civil) No. 29979 Of 2011 | 14-11-2011

1. This petition is directed against order dated 28.09.2011 passed by the Division Bench of the Bombay High Court, the operative portion of which reads thus:

"We have considered the arguments advanced by the parties and the enunciations relied upon. We allow the application in terms of prayer clauses (a) and (b), subject to the condition that an amount of Rupees twenty crores is deposited by the applicants-defendants with the Registry of this Court within 6 (six) weeks from today and a bank guarantee of a nationalized bank for the remaining amount of Rupees eighty crores is furnished to the Registry of this court within a period of 10(ten) weeks from today. The deposited amount shall be invested in a fixed deposit initially for a period of one year with a nationalized bank."

2. Shri Harish N. Salve, learned senior counsel appearing for the petitioners argued that seriously debatable questions are required to be adjudicated by the High Court in the appeal filed by the petitioners against the judgment of the trial Court and, therefore, there was no justification for issue of a direction to deposit rupees twenty crores and for furnishing bank guarantee of rupees eighty crores.

3. We have considered the argument of the learned counsel in the light of the findings recorded by the trial Court and are of the view that the High Court did not commit any error by directing the petitioners to deposit a portion of amount specified in the decree passed by the trial Court with a further direction to furnish Bank guarantee for the balance amount. The exercise of discretion by the High Court not to entertain the petitioners' prayer for complete stay of the

decree passed by the trial Court is in consonance with the principles laid down by this Court for deciding an application like the one filed by the petitioners.

4. The special leave petition is accordingly dismissed.

5. However, it is made clear that the observations made in the impugned order and this order shall not influence final adjudication of the appeal.

6. The applications for intervention are disposed of as infructuous.