Ô IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3295 OF 2003

STATE BANK OF INDIA & ANR. .....APPELLANTS
VERSUS
M/S. SINGHANIA R. FLOUR MILLS P.
LTD. & SONS. .....RESPONDENTS

O R D E R

The instant appeal is directed against order dated September 12, 2002 rendered by the High Court of Judicature at Patna in Civil Revision No. 798 of 2002, by which order dated June 10, 2002, passed by the Executing Court refusing to stay decree dated October 20, 2001 ordained in Money Suit No. 18/1998, is upheld.

This Court has heard the learned counsel for the parties.

The order sheet indicates that the decree passed in favour of the respondents is stayed by this Court since January 8, 2003. The learned counsel for the parties have informed the Court that appeal filed before the Patna High Court, against the decree of the trial court, is pending and is not disposed of. On the facts and in the circumstances of the case, this Court is of

the opinion that interest of justice would be served if the decree challenged by the appellants in First Appeal is stayed during the pendency of the appeal before the High Court and the High Court is requested to dispose of the appeal expeditiously.

For the foregoing reasons, the appeal succeeds. The execution and operation of the decree dated October 20, 2001 passed by the learned Sub-Judge, Bhagalpur in Money Suit No. 18/1998 is stayed till Appeal No. 42/2002 pending before the High Court of Judicature at Patna is finally disposed of. The High Court is requested to

dispose of the First Appeal as early as possible and without any unavoidable delay.

Subject to the above-mentioned observations, the appeal stands disposed of.

No order as to costs.

.....J
(J.M. PANCHAL)

.....J
(T.S. THAKUR)

NEW DELHI,
APRIL 28, 2010

ITEM NO.102 COURT NO.11 SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 3295 OF 2003

STATE BANK OF INDIA & ANR. Appellant (s)

VERSUS

M/S.SINGHANIA R. FLOUR MILLS P.LTD.&ORS. Respondent(s)

Date: 28/04/2010 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)
Mr. R. Sundervardhan, Sr. Adv.
Mr. Ramesh N. Keswani, Adv.
Mr. Ram Lal Roy, Adv.

For Respondent(s)
Mr. Ratan Kumar Chaudhary, Adv.
Mr. Akshay Shukla, Adv.

Mr. M.P. Jha, Adv.
Mr. Ram Ekbal Roy, Adv.
Mr. Harshavardhan Jha, Adv.

Mr. Anil K. Chopra, Adv.

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

The appeals are disposed of.

(N.S.K. Kamesh)
Court Master

(R. K. Sharma)
Court Master

(signed order is placed on the file)