

ITEM NO.10

Court 8 (Video Conferencing)

SECTION XI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL)

Diary No(s).17275/2020

(Arising out of impugned final judgment and order dated 12-04-2019 in RFA No.499/2009 17-01-2020 in RP No.711/2019 passed by the High Court Of Kerala At Ernakulam)

M/S COCHIN STOCK EXCHANGE LTD.
WHICH IS SUCCEDED AND RENAMED AS
M/S OUR INVESTMENTS ENTERPRISE Ltd.

Petitioner(s)

VERSUS

JOSE KURIAN M

Respondent(s)

(With appls. for c/delay in filing SLP, exemption from filing c/c of the impugned judgment)

Date : 12-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Gaurav Agarwal, Adv.

Mr. Nishe Rajen Shonker, AOR

Ms. Anu K.Joy, Adv.

Mr. Alim Anvar, Adv.

For Respondent(s)

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

Delay condoned.

After hearing Mr. Gaurav Agarwal, learned counsel for the petitioner we are not inclined to interfere with the judgment impugned. Mr. Agarwal brought to our notice that the High Court upholding the order passed by the Trial Court modified the direction pertaining to payment of

interest on principle amount of Rs.3,07,794/- which was paid to the respondent. The High Court held that the respondent is entitled for recovery of Rs.3,07,794/- with 6% interest. He submitted that that amount of Rs. 5,08,000/-had been already deposited as per the direction of the High Court on 17.08.2009 and was withdrawn by the respondent as per order dated 19.01.2010. He contended that as per the direction of the High Court the amount payable as on 19.01.2010 was Rs.4,17,132.55. According to him the petitioner is entitled for refund of Rs.1,48,539.45.

We are not inclined to issue any direction to refund of the amount paid in excess by the petitioner according to the direction of the High Court. The petitioner may pursue other remedies for recovery of the excess amount paid to the respondent.

The Special Leave petition is dismissed.

Pending application(s), if any, stands disposed of accordingly.

(Ashwani Kumar)
AR-cum-PS

(Anand Prakash)
Court Master