

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2019  
(Arising out of SLP (C) No. 28074 of 2018)

NIRMAL KUMAR & ORS.

Appellant (s)

VERSUS

MOHAMED ATAULLA & ORS.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal takes exception to the judgment and order dated 14.09.2018 passed by the High Court of Karnataka at Bengaluru in Company Appeal No. 6 of 2014, whereby the High Court permitted the respondent Nos.1 and 2 herein to withdraw the amount deposited by the appellants unconditionally.

After hearing learned counsel for the parties, we find force in the submission made by the appellants that since the amount is substantial, it is just and proper that the said respondents be permitted to withdraw the amount on some conditions.

In the circumstances, we modify the order of the High Court and permit the respondent Nos.1 and 2 to withdraw the amount deposited before the High Court alongwith interest accrued thereon, if any, on condition that they must furnish commensurate solvent security to the satisfaction of the High Court; and also file

undertaking before the High Court that in the event the appeal filed by the appellants succeeds, they will abide by the directions as may be issued by the High Court for return of the amount so withdrawn alongwith interest at such rate, as may be determined by the High Court.

Accordingly, the appeal succeeds to the above extent.

Pending applications, if any, stand disposed of.

.....J  
(A.M. KHANWILKAR)

.....J  
(DINESH MAHESHWARI)

New Delhi  
July 19, 2019

ITEM NO.3

COURT NO.9

SECTION IV-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 28074/2018

(Arising out of impugned final judgment and order dated 14-09-2018 in COMPA No. 6/2014 passed by the High Court Of Karnataka At Bengaluru)

NIRMAL KUMAR &amp; ORS.

Petitioner(s)

VERSUS

MOHAMED ATAULLA &amp; ORS.

Respondent(s)

((only I.A. No. 20705/2019 application for modification to be listed ) and IA No. 20705/2019 - MODIFICATION OF COURT ORDER)

Date : 19-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Tsrinivasa Muthy, Adv.  
Mr. Anand K., Adv.  
Mr. Shruti Iyer, Adv.  
Mr. Senthil Jagadeesan, AOR

For Respondent(s)

Mr. Balaji Srinivasan, AOR

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

Leave granted.

The civil appeal succeeds in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
COURT MASTER (NSH)

{Signed order is placed on the file}