

ITEM NO.10                      Court 6 (Video Conferencing)                      SECTION XI-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).4234/2021

(Arising out of impugned final judgment and order dated 23-10-2020 in RFA No. 237/2006 passed by the High Court of Kerala at Ernakulam)

**K.M. SURESH BABU**

**Petitioner(s)**

**VERSUS**

**CHALIL KUNHIKRISHNA KURUP**

**Respondent(s)**

**(WITH I.R. and IA No.35682/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)**

**Date : 19-04-2021 This petition was called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MR. JUSTICE M.R. SHAH**

**For Petitioner(s)**      **Mr. Deepak Anand, AOR**  
   **Ms. Hemlata Rawat, Adv.**  
   **Mr. Aayushmaan Vatsyayana, Adv.**

**For Respondent(s)**

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

- 1      We are not inclined to entertain the Special Leave Petition on merits.
  
- 2      Mr Deepak Anand, learned counsel appearing on behalf of the petitioner, however, submits that the future interest at the rate of 9% per annum could not have been awarded having regard to the provisions of Section 34(1) of the Code of Civil Procedure 1908 and that the proviso which applies only to a commercial transaction is not attracted. On this lone aspect, learned counsel states that the petitioner would be advised to file a review before the High Court.

- 3 We make no observations on this aspect.
- 4 Recording the submission of the learned counsel, we dispose of the Special Leave Petition as not pressed at this stage.
- 5 Pending application stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(CHETAN KUMAR)**  
**AR-CUM-PS**