

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 1557 of 1988 (O&M)
Date of decision: 15.7.2015

M/s Anant Ram Sham Vir

.. Appellant

v.

M/s Surjit Cold Storage and Ice Factory

.. Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Gautam Pathania, Advocate for the appellant.
Mr. Kabir Sarin, Advocate for the respondent.

...

Rajesh Bindal J.

The defendant is before this court against concurrent findings of fact recorded by both the courts below, whereby the suit filed by the respondent plaintiff for recovery of ₹ 32,000/-, was decreed.

At the time of admission of appeal on 13.9.1988, execution of the decree was stayed.

It was pointed out that in terms of the order passed on 21.2.1990, ₹ 32,000/- were deposited by the appellant in the court below. The aforesaid order was modified on 24.4.1990 requiring the respondent to return the electric motor to the appellant before withdrawing the amount deposited in court.

Learned counsel for the parties pointed out that neither the motor was returned by the respondent to the appellant nor the amount deposited by the appellant was withdrawn. Learned counsel on instructions from their respective clients submitted that the matter may be disposed of while permitting the appellant to withdraw the amount deposited by him in court along with interest due thereon, the motor will be retained by the

respondent.

In view of the aforesaid fair stand taken by learned counsel for the parties, the present appeal is disposed of in terms thereof. The judgments and decrees of the courts below are modified to the extent indicated above.

(Rajesh Bindal)
Judge

15.7.2015
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