

A.Nos.226 & 227 of 2020

P.T.ASHA, J.,

When this matter was posted yesterday before this Court the counsel for the Applicant submitted that they had obtained an interim stay regarding the withdrawal of a sum of Rs.5,56,75,851/- which is the subject matter of Application No.227 of 2020. This Court had directed production of the said order and had listed the matter today i.e., 22.09.2020.

2. Today the order copy in CMP.No.6829 of 2020 in OSA.No.1440 of 2020 was produced. The Hon'ble Division Bench stayed the withdrawal of only the amounts subject matter of A.No.227 of 2020 and not the sum of Rs.8,97,45,409/- which is the subject matter of A.No.226 of 2020.

3. This Court had by common order dated 21.02.2020 in A.Nos.226 and 227 of 2020 permitted the applicants to deposit their respective amounts into the Court and on such deposit, permitted the respondent to withdraw the same. However by an oversight while drafting the decree it was wrongly drafted that the amounts deposited would be transferred to the Manager, Reserve Bank of India, who in turn would keep the said amounts in an interest bearing account. Therefore since the amounts were deposited in an interest bearing account the

sum of Rs.8,97,45,409/- has earned interest. Since the order dated 21.02.2020 had not made any reference to the payment of interest to the respondent, an office note was put up before this Court and it was pursuant to the direction of this Court that the matter is listed today.

4. Since this Court had permitted the respondent to withdraw the amounts as and when the deposit is made and as the deposit into an interest bearing account by the Reserve Bank of India was made on account of a mistake while drafting the decree, the respondent will be entitled to withdraw the entire sum of Rs.8,97,45,409/- (subject matter of A.No.226/2020) together with the accumulated interest.

5. Since there is an interim stay in C.M.P.No.6829 of 2020 in O.S.A.No.144 of 2020 the withdrawal of the amounts lying to the credit of A.No.227 of 2020 shall await further order of this Court.

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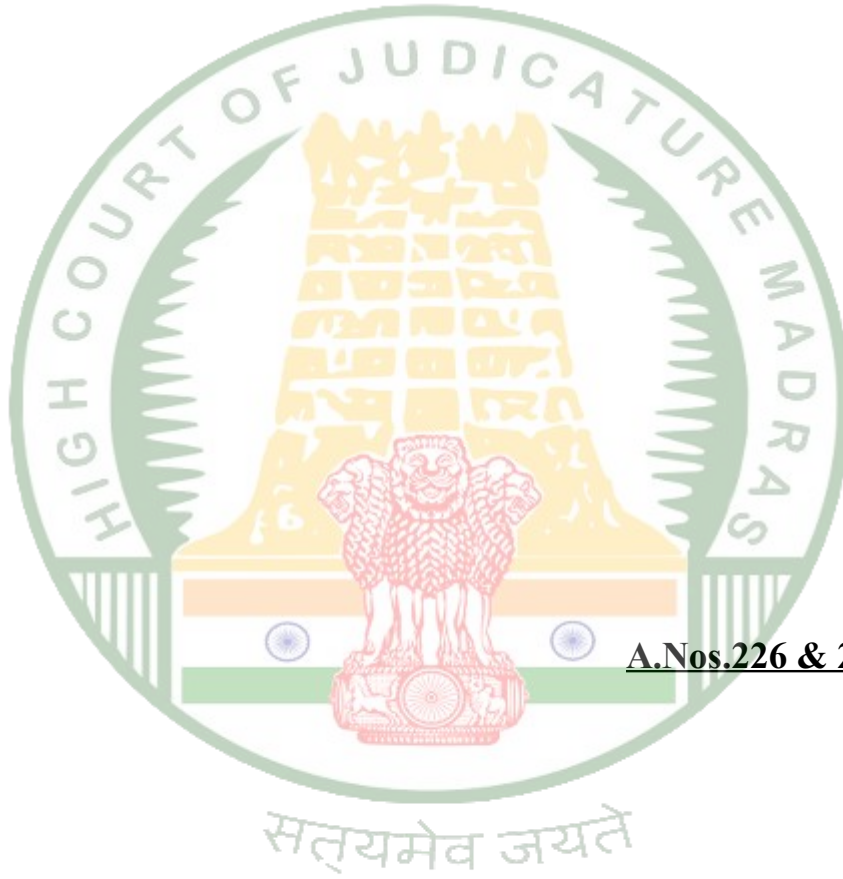
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