

S.A. No.293 of 2001
Hon'ble V.K. Bist, J.

IA No.733 of 2011(Modification/Clarification Application)

Mr. M.C. Kandpal, Senior Advocate assisted by Mr. S.S. Chaudhary, Advocate holding brief of Ms. Kamakshi Tripathi, learned counsel for the appellant.

Mr. Lalit Sharma, learned counsel for the respondents/applicants.

Heard learned counsel for the parties.

This Second Appeal was filed by the appellants against the judgment dated 26th June, 1992 by which plaintiff's suit seeking permanent injunction was decreed. On 21.05.2007 this Court dismissed the Second Appeal. During the pendency of Second Appeal, an order was passed by this Court on 25.04.1997 directing the appellant to deposit ₹ 15,000/- per year. As per order dated 25.04.1997, till 11.09.1996, ₹ 30,000/- were deposited. No further amount was deposited thereafter. The amount so deposited is still lying with the trial Court.

This application has been moved by the respondents with the request to release the amount deposited by the appellant in favour of the applicants/ respondents.

Learned counsel for both the parties made statement, at bar, that the parties have reached into compromise and prayed that direction may be issued

to the trial Court for releasing the amount in equal proportion in their favour.

In view of the statement of the learned counsel for the parties, direction is issued to the trial Court to release the amount deposited by the appellant alongwith interest in favour of the plaintiff as well as respondents in equal proportion.

Application stands disposed of.

Arpan

(V.K. Bist, J.)

31.10.2011