

Vastulal vs Pareek Commercial Bank on 27 August, 1964

Equivalent citations: [1965]35COMPCAS141(SC)

Bench: P.B. Gajendragadkar, J.C. Shah, N. Rajagopala Ayyangar

JUDGMENT

Shah, J.

1. These are two appeals which arise out of proceedings to execute directions made by the Company Judge, Rajasthan High Court, and confirmed by a Division Bench of that High Court that the appellant, Vastulal Pareek, restore under Section 45H of the Banking Companies Act certain property belonging to the Pareek Commercial Bank Ltd. in liquidation. In Appeals Nos. 484 and 485 of 1962 in this court, challenge to the validity of the directions has been negatived. The orders were transferred for execution under Order 21, Rule 6, Code of Civil Procedure, to the District Judge, Bikaner. It was contended by Vastulal that the District Court, Bikaner, had no jurisdiction to entertain an application for execution of an order passed under Section 45H of the Banking Companies Act, but that plea was rejected by the District Court. Vastulal then applied in revision to the High Court of Rajasthan challenging the orders of the District Court to entertain the execution applications. The High Court, relying upon Section 45T(1) and Rule 745(2) of the High Court Rules, held that the execution applications were maintainable. Against the order passed by the High Court, these two appeals have been preferred with special leave.

2. Counsel for the appellant has conceded, and we think rightly, that if the orders passed by the High Court under Section 45H of the Banking Companies Act imposing liability to pay the amounts directed to be paid by Vastulal are good, there is no ground on which he would be justified in challenging the jurisdiction of the District Court to execute the orders.

3. The appeals therefore fail. No order as to costs.