

C.A.No. 2305 OF 2001  
ITEM No. 103

Court No.10

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 2305 OF 2001

Jyoti Shrivastava & Ors. APPELLANT (S)  
VERSUS

Babulal Agrawal & Ors. RESPONDENT(S)  
(With office report)

With

C.A. Nos. 2306-2307/2001 (With appl(s). for modification of Court's Order and with office report)

Date : 28/09/2004 This/these appeal(s)/Petition(s) was/were called on for hearing today.  
CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN  
HON'BLE MR. JUSTICE S.H. KAPADIA

For Appellant (s) Mr. B.S. Banthia, Adv.  
In CA 2306-07/01

In CA 2305/2001 Mr. B.K. Satija, Adv.

For Respondent (s) Mr. R.F. Nariman, Sr. Adv.  
Mr. G.K. Banerjee, Sr. Adv.  
Mr. B.M. Gupta, Adv.  
Mr. S. Bhatnagar, Adv.  
Ms. Ruby Singh Ahuja, Adv.

In CA 2305/01 Mr. B.S. Banthia, Adv.

In CA 2306-07/01 Mr. B.K. Satija, Adv.

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

Heard in part.

Item No. 101 (P.H.) Court No. 1029.09.2004

Coram and appearance as above.

Hearing concluded.

The appeals are dismissed in terms of the signed order.

(J.S. Rawat)  
Court Master

(Kanwal Singh)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2305 OF 2001

Jyoti Shrivastava and Ors.

Appellant (s)

Versus

Babulal Agrawal & Ors.

Respondent (s)

With

Civil Appeal Nos. 2306-2307 of 2001

O R D E R

Keeping in view the findings recorded by the Courts below, the circumstances of the case and especially the statement of Shri Prabhu Dayal, one of the vendors, we are not inclined to interfere with the impugned judgment in these appeals in exercise of our jurisdiction under Article 136 of the Constitution of India.

The Civil Appeals are dismissed.

Consequently, the legal representatives of Prabhu Dayal Saxena and Shri Gouri Chandra Saxena, the vendors, are directed to execute the sale deed in favour of the proposed vendee, namely, Babulal Agrawal within a period of two months from today subject to payment of the balance consideration of Rs.2,57,800/- at the time of the execution of the sale deed or deposit thereof in the executing court, failing which the Court should execute the sale deed in favour of Babulal Aggarwal on deposit of the balance amount of consideration. The vendors would be entitled to withdraw the amount so deposited.

.....J.  
(ASHOK BHAN)

New Delhi;.....J.  
September 29, 2004.(S.H. KAPADIA)