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SLP(C)... 2395 OF 2004
ITEM No.27

Court No. 3

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(Civil)...../2004
CC 2395/2004

(From the judgement and order dated 27/06/2003 in SA 1711/91
of The HIGH COURT OF JUDICATURE AT MADRAS)

N. ANANTHI & ORS.

Petitioner (s)

VERSUS

VENKATACHALAM & ANR.

Respondent (s)

With I.A. No. 1 (C/delay in filing SLP)

Date : 16/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

Ms. V. Mohana, Adv.

For Respondent (s)

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

Delay condoned.

Learned counsel for the petitioners states that the plaint does not contain an averment as to its readiness and willingness and therefore, the suit for specific performance could not have been decreed.

This objection was taken vide paras 5 and 6 of the memo of second appeal (page 75 of the paper book) but the memo of appeal has been mis-quoted in paragraph 18 of the judgment of the High Court.

Issue notice to the respondent in the petition for special leave to appeal as also on the prayer for the grant of interim relief.

Until further orders, the execution of decree for specific performance shall remain stayed.

KALYANI

(RADHA R. BHATIA)
COURT MASTER