

ITEM NO.29

COURT NO.8

SECTION XIIA

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2067/2007

(From the judgement and order dated 02/01/2007 in AS No. 486/2005 & ASMP No. 1661/2005 & ASMP No. 2457/2006 of The HIGH COURT OF A.P AT HYDERABAD)

SRICHAITANYA EDUCATIONAL SOCIETY

Petitioner(s)

VERSUS

ADARI BABU DURGA PRASAD & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 12/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr.R.Santhan Krishnan, Adv.

Ms.K.Radha Rani, Adv.

Mr.Praveen K.Pandey, Adv.

Mr.P.Vijaya Kumar, Adv.

Mr. D. Mahesh Babu, Adv.

For Respondent(s)

Mr.G.V.R. Choudary, Adv.

Mr.K.Shivraj Chaudhary, Adv.

Mr.Abhishek Sarkar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel appearing on behalf of both sides.

It is not in dispute that the directions issued by the High Court directing the petitioner herein to deposit a sum of Rs.5 lacs towards mesne profit and Rs.2,34,000/- towards arrears of rent have already been deposited and fully complied with within the time prescribed by the High Court. In view of the said deposit made by the petitioner, the High Court made the stay absolute and also permitted the deposited amount to be withdrawn by the respondents herein.

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A further direction was issued by the High Court directing the petitioner herein to deposit the monthly rent. The said order was passed by the High Court on 02.01.2007. The High Court by the said order extended the time for compliance of the orders dt.27.09.2006 by two weeks from the date of the said order regarding payment of monthly rent. Since that time has already expired, we extend the time by four weeks from today to comply with the direction of the High Court in regard to the payment of monthly rent.

It is also stated by the learned counsel for the petitioner that against the

dismissal of the suit for specific performance, the appeal preferred by him is pending before the High Court and, therefore, any payment in regard to the rent is made, the same will be subject to the final outcome of the appeal filed against the dismissal of the suit for specific performance. If the petitioner succeeds in the said appeal, the amount now deposited by him by way of monthly rent shall be adjusted towards the sale consideration.

The Special Leave Petition stands disposed of accordingly.

(Satish K. Yadav)
Court Master

(Phoolan Wati Arora)
Court Master