

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.4727 OF 2008

D. RAMAMURTHY

.....APPELLANT

VERSUS

LAKKARAJU LALITHAMMA & ORS.

.....RESPONDENTS

O R D E R

Heard learned counsel for the parties.

The appellant had filed a suit for specific performance. The aforesaid claim arose out of an agreement to sell dated 02.01.1985. It is not a matter of dispute that even though the property, which was the subject matter of sale, was owned by 8 members of a family, only 5 of the said members had executed the agreement dated 02.01.1985.

Be that as it may, during the course of hearing, we required the learned counsel for the appellant to satisfy this Court from the evidence available on the record of this case, that the appellant had expressed his readiness and willingness to comply with his part of the agreement. This query was made specifically on account of the finding recorded by the trial Court, as also, the High Court, on the above subject, against the appellant. Learned counsel for the appellant could not invite our attention to any material wherefrom it could be established, that the appellant was

ready and willing to execute his part of the agreement.

For the reasons recorded hereinabove, we do not find any merit in the instant appeal and the same is accordingly dismissed.

.....J.  
(JAGDISH SINGH KHEHAR)

.....J.  
(ARUN MISHRA)

NEW DELHI;  
SEPTEMBER 23, 2014.

ITEM NO.102

COURT NO.7

SECTION XIIA

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 SCivil Appeal No(s).4727/2008

D. RAMAMURTHY

Appellant(s)

VERSUS

LAKKARAJU LALITHAMMA &amp; ORS.

Respondent(s)

(With appln. (s) for placing addl. documents on record and exemption from filing O.T. and office report)

Date : 23/09/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR  
HON'BLE MR. JUSTICE ARUN MISHRA

For Appellant(s) Mr. G. Ramakrishna Prasad, Adv.  
Ms.Fiza Moonis, Adv.  
Mr.B.J.Joshi, Adv.

For Respondent(s) Mr.Prabhakar Parnama, Adv.  
Mr.S.Goel, Adv.  
Mr. Venkateswara Rao Anumolu, Adv.

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

The appeal is dismissed in terms of the signed order.

(SATISH KUMAR YADAV)  
COURT MASTER

(PHOOLAN WATI ARORA)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)