

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NOS.5-7 OF 2011

IN

CIVIL APPEAL NO.2202 OF 2001

G. KALAVATHI (DEAD) BY LRS.

Appellant(s)

VERSUS

BANWARI LAL & OTHERS

Respondent(s)

WITH
CONTEMPT PETITION (C) NO.359 OF 2009
&
CONTEMPT PETITION (C) NO.144 OF 2012

O R D E R

I.A. Nos.6 and 7 of 2011, have been filed in C.A. No.2202 of 2001, which had been disposed of on 16th April, 2008. The appeals before this Court were directed against the judgment and order of the Division Bench of the Andhra Pradesh High Court dated 19th January, 2001, in Contempt Application No.1563 of 1999 and Contempt Case No.1819 of 1999. The said contempt application and contempt case had been disposed of by the Andhra Pradesh High Court by directing that in lieu of redelivering the possession of the lands in question to the respondents, compensation should be paid to them at the rate of Rs.5000/- per square yard, as valued by the State.

While disposing of the appeals, we did not disturb the decision of the Division Bench of the Andhra Pradesh High Court, except to the extent that we directed that instead of Rs.5,000/- per square yard compensation should be paid at the rate of Rs.15,000/- per square yard.

In I.A. No.6, the State of Andhra Pradesh has made certain prayers, inter alia, for clarification of our order and for a direction that compensation was payable to the respondents upon

determination of title in the pending Civil Suit (O.S. No.658) pending in the Court of IIIrd Additional Chief Judge, City Civil Court, Hyderabad, or in the alternative the payment of the amount be made subject to furnishing of Bank Guarantee by the respondents.

On the other hand, I.A. No.7 of 2011, has been filed on behalf of the respondents for modification of the order passed in C.A. No.2202 of 2001, on 10th August, 2011, whereby we had enlarged the time for the State to make payment of the compensation amount within four weeks from the date of the order "subject, however, to any order that may be passed in the pending civil suit" (emphasis added).

In I.A. No.7 of 2011, the respondents/applicants have prayed for deletion of the said words from the order of 10th August, 2011, inasmuch as, the same was being interpreted to mean that compensation payable would be subject to the decision of the civil suit.

Having considered the submissions made on behalf of the respective parties and having regard to the special circumstances of the case and that possession of the properties of the respondents have already been taken over and constructions have been erected thereupon and having further regard to the fact that it has been found by the High Court that the question of restoration of possession did not arise, for which compensation had been assessed, we are not inclined to entertain the prayer made by the respondents in full.

We, accordingly, direct that the amounts, as were directed to be paid, be deposited with the Trial Court, within a month from date. The said amounts may be withdrawn by the respondents, upon furnishing security to the extent of 25% of the amount withdrawn, to the satisfaction of the Trial Court. This order being passed today, there is no further requirement to modify the order of 10th August, 2011, except to the extent that the payments made would abide by the result of the suit.

The contempt petitions, being Contempt Petition (Civil) Nos.359 of 2009 and 144 of 2012, are also disposed of by virtue of this order.

I.A. Nos.6 and 7 of 2011, are, accordingly, disposed of and since the State of Andhra Pradesh is represented in the matter, I.A. No.5 of 2011, is also disposed of.

(ALTAMAS KABIR)

.....CJI.

.....J.
(SURINDER SINGH NIJJAR)

New Delhi;
December 07, 2012.

ITEM NO.301+302+303

COURT NO.1

SECTION XIIA

G. KALAVATHI (DEAD) BY LRS.

Appellant (s)

VERSUS

BANWARI LAL & ORS.

Respondent(s)

(With appln(s) for impleadment, clarification and modification of order dated 10.08.2011 and office report)

WITH CONTEMPT PETITION (C) NO.359/2009 IN C.A. NO.2202/2001

(With office report)

CONEMPT PETITION (C) NO.144/2012 IN I.A. NO.3 IN C.A. NO.2202/2001

(With office report)

Date: 07/12/2012 These Appeals were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s) Mr. F.S. Nariman, Sr. Adv.
Mr. A. Subba Rao, AOR
Mr. Subhash C. Sharma, Adv.

For Respondent(s) Mr. Gopal Subramaniam, Sr. Adv.
State of A.P. Mr. P.S. Narasimha, Sr. Adv.
Ms. C.K. Sucharita, AOR
Ms. Rumi Chanda, Adv.

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

I.A. Nos.5-7 of 2011, are disposed of in terms of the signed order.

The contempt petitions, being Contempt Petition Nos.359 of 2009 and 144 of 2012, are also disposed of by virtue of this order.

|(Chetan Kumar)
|Court Master

|(Juginder Kaur)
|Assistant Registrar

(Signed order is placed on the file)