

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7847/2006

(From the judgement and order dated 28/12/2005 in CRP No. 6309/2005 of the HIGH COURT OF A.P. AT HYDERABAD)

GORANTLA RAMANANDA BABU

Petitioner(s)

VERSUS

GORANTLA VEERANARAYANA BABU

Respondent(s)

(With appln(s) for c/delay in filing counter affidavit, appointment of an Advocate Commissioner and with prayer for interim relief and office report) (FOR FINAL DISPOSAL)

Date: 03/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Mr. P.P. Rao, Sr.Adv.
Mr. V. Prabhakar,Adv.
Mr. Ramjee Prasad,Adv.
Mrs. Revathy Raghavan,Adv.
Mr. Ashok K. Sadhu Khan,Adv.

For Respondent(s)

Mr. Arun Jaitley, Sr.Adv.
Mr. G.V.R. Choudary,Adv.
Mr. K. Shivraj Choudhuri,Adv.
Mr. Abhishek Sarkar,Adv.

UPON hearing counsel the Court made the following
ORDER

Delay in filing counter affidavit is condoned.

It appears that on 28.8.2006 a Division Bench of this Court, without issuing a formal notice in the special leave petition, observed as under:

"This Special Leave Petition has been filed against an order dt.28.12.2005 in C.R.P.No.6309/2005 passed by the High Court of Andhra Pradesh. The subject matter of this Special Leave Petition is the scheduled property consisting of some cinema theaters including a mini theater, not in running condition. The

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petitioner offered to purchase the said property for an amount of Rs.2,43,07,945/- and filed a memo whereas the respondent's bid was of Rs.1.92 crores. In all thirteen bidders have made their offers. The court fixed the upset price at Rs.1,50,00,000/-. It is also not in dispute that the petitioner herein has not participated in the auction though he was present. Ultimately, the sale was knocked down in favour of the respondent at Rs.1.92 crores. Aggrieved against the said order, the present Special Leave Petition has been filed in this Court.

In order to settle the dispute between two brothers namely, the petitioner and the respondent, we feel that if both parties are asked to give the offer in sealed cover before this Court that will meet the ends of justice and also ends the litigation for ever. We make it clear that the minimum price for the proposed offers by both parties should be of Rs. 2,43,07,945/-. After the offer is given by both parties in sealed cover, the same will be knocked down in favour of the highest bidder.

Learned counsel for the respondent wants some time to verify with his client in regard to the above suggestion.

This direction is issued without prejudice to the rights of both parties."

Thereafter, the matter came up before another Bench on 4.9.2006 and the same was adjourned for one week. It was again adjourned on 11.9.2006 and 19.10.2006. However, when the matter again came up before the original Bench on 30.10.2006, it was directed to be posted for final disposal on 10.1.2007. It was, after several adjournments, listed on 2.4.2007; when it was noticed that no formal notice had been issued in the matter although the matter was directed to be placed for final disposal. On a query being made, the learned senior counsel appearing on behalf of the respondent stated that his client had invested a lot of amount by way of renovation of the property in question. An affidavit to that effect was directed to be filed. Pursuant thereto an affidavit dated 18.5.2007 has been filed affirmed by the respondent herein. In the said affidavit, the respondent inter alia has stated the sequence of facts leading to the

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holding of auction on 24.8.2005 wherein the respondent became the highest bidder for Rs. 1.92 crores. A reply affidavit thereto has been filed by the petitioner herein.

Mr. Rao, learned senior counsel for the petitioner would submit that his client is ready and willing, not only to make a bid with the upset price of Rs. 2,43,07,945/- but also bear the expenditure incurred by the respondent herein towards renovation of the theater, etc., which may be assessed by an independent valuer.

Mr. Jaitley, learned senior counsel appearing on behalf of the respondent opposes the said prayer.

We are, therefore, of the opinion that the matter may be heard on merits.

Leave granted. Hearing is expedited. Liberty to mention.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER