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C.A.No. 254 OF 1999

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

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ITEM NO.104

COURT NO. 9

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

CIVIL APPEAL NO. 254 OF 1999@@
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B.S. Nagarajan ... Appellant (s)

Vs.

K.B. Sivasankaran (Dead) by Lrs. ... Respondent (s)

(With appln. for permission to submit addl. documents)
(With office report)

Date: 05-09-2002 This/These matter(s) was/were called on for
hearing today.

CORAM :
HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE BRIJESH KUMAR

For appellant (s) Mr. ATM Sampath, Adv.

For respondent (s) Mr. R Nedumaran, Adv.

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

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Heard counsel for 25 minutes.

I.A. No. 3 is allowed.

No orders on I.A. No. 2

The appeal is dismissed. There shall be no order
as to costs.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 254 OF 1999@@
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B.S. Nagarajan ... Appellant (s)

Vs.

K.B. Sivasankaran (Dead) by Lrs. ... Respondent (s)

O R D E R@@
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This appeal is against an order dated 2nd April, 1997 passed in Civil Revision Petition No. 2710 of 1989.

Facts, briefly stated, are as follows:

The respondent filed a suit for possession. In that suit the appellant took out an Interlocutory Application No. 4463 of 1979 under Section 9 of the Tamil Nadu City Tenants Protection Act, 1942. The appellant claimed that he has a right to purchase the land. The trial court dismissed the suit and allowed the application.

The respondent herein filed an appeal against the order of the trial court dismissing the suit and also filed a Civil Miscellaneous Application against the order allowing the Interlocutory Application. The learned single Judge of the High Court reversed the decision of

the trial court and decreed the suit. Consequently, the Interlocutory Application filed by the appellant was dismissed.

The appellant filed a Civil Revision against the order dismissing his Interlocutory Application. He has also filed a Letters Patent Appeal against the order decreeing the suit. The Letters Patent Appeal is pending. However, the Civil Revision is dismissed. This appeal is against the order dismissing the Civil Revision.

It is admitted that all the points which arise in this appeal are also taken in the Letters Patent Appeal. In that view of the matter, we are not inclined to

interfere with the order of the High Court dismissing the Civil Revision. We, however, make it clear that it will be open to the appellant to urge all the points available to him in the Letters Patent Appeal and to also claim in the Letters Patent Appeal that the reliefs claimed in his Interlocutory Application be granted. It will be open to the respondent to urge that due to the amendment in the Act, the appellant no longer has the right to purchase the land. If any such contention is taken up, the same will be decided on merits by the High Court.

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With the above clarification, the appeal is dismissed. There shall be no order as to costs.

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.....J.
(S.N. VARIAVA)

.....J.
(BRIJESH KUMAR)

NEW DELHI
SEPTEMBER 05, 2002.