

ITEM NO.29

COURT NO.6

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 S

Petition(s) for Special Leave to Appeal (Civil) No(s).10181/2012

(From the judgement and order(s) in SA No. 1538/2007 dated
of The HIGH COURT OF A.P AT HYDERABAD)

28-NOV-11

R.V. SRINIVASA RAO

Petitioner(s)

VERSUS

R. PRAKASH RAO & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 09/04/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Ananga Bhattacharyya, Adv.

For Respondent(s)

Mr. V.Pattabhiram Vadrevu, Adv.

Mr. M. Vijaya Bhaskar, Adv. (Not present)

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

This petition is directed against judgment dated 28.11.2011 of the learned Single Judge of the Andhra Pradesh High Court whereby he dismissed the second appeal filed by the petitioner and upheld the judgment and decree passed by the trial Court and the lower appellate Court.

We have heard learned counsel for the petitioner and perused the record.

2

In our view, the concurrent finding recorded by the trial Court and the lower appellate Court that agreement Ex. A-1 entered into between the petitioner and respondent No.1 to manipulate the price for purchase of the property which was auctioned in furtherance of the decree passed in OS No.198/1983 was ultra vires Section 23 of the Contract Act

and the learned Single Judge of the High Court did not
commit any error by refusing to entertain the second appeal
because no substantial question of law arose for
consideration by the High Court.

The special leave petition is dismissed.

(Parveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master