

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3921 OF 2009

T.B. KANTARAJ

APPELLANT(S)

VERSUS

KONDA BOVI & ORS.

RESPONDENT(S)

O R D E R

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

Respondent Nos.1 to 3 had taken a loan from respondent No.5 - Primary Cooperative and Land Development Bank in the year 1975. The loan amount was Rs.6900/-. On non-payment thereof, an award dated 12.05.1982 was passed against them for Rs.9824.86 with interest @ 12% per annum. Since the amount was still not paid, on 18.10.1982, 16 acres of land belonging to them was auctioned which was purchased by the predecessor of the appellant, from whom the appellant purchased the same. The auction amount was Rs.24,000/- which was far in excess of the liability of respondent Nos.1 to 3. The said respondents, after a long delay, challenged the auction proceedings on the ground that they did not have any knowledge of the proceedings and on that basis, the High Court has set aside the auction.

We find that it is difficult to accept the plea that for 12 years the auction proceedings were not known to

the respondents. However, the fact remains that it was not necessary to sell the entire land for recovery of the amount. The dues could be recovered from half of the holding which was mortgaged.

Accordingly, in the interest of justice, we direct that half of the land which was auctioned be returned to respondent Nos.1 to 3. The division of the land be made by concerned Collector within three months. Any amount which the respondents have deposited in the High Court may be refunded to them with the accrued interest.

The appeal is disposed of in above terms.

.....J.
[ADARSH KUMAR GOEL]

.....J.
[UDAY UMESH LALIT]

NEW DELHI
2nd November, 2017

ITEM NO.106

COURT NO.11

SECTION IV-A

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(s). 3921/2009

T.B. KANTARAJ

Appellant(s)

VERSUS

KONDA BOVI & ORS.

Respondent(s)

Date : 02-11-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. R.S. Hegde, Adv.
 Mrs. Farhat Jahan Rehmani, Adv.
 Mr. Chandra Prakash, Adv.
 Mr. Rajeev Singh, AOR

For Respondent(s) Mr. Shailesh Madiyal, AOR
 Mr. Sudhanshu Prakash, Adv.

 Mr. P. K. Jayakrishnan, AOR

 Mr. V. K. Sidharthan, AOR

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

The appeal is disposed of in terms of the signed order.
Pending applications, if any, shall also stand disposed
of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

(Signed order is placed on the file)