

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).10033/2010

(From the judgment and order dated 6.2.2010 in RSA No. 1327 of 2005 of the High Court of Karnataka, Circuit Bench at Dharwad)

CHANDRASHEKHARAPPA

Petitioner(s)

VERSUS

BASAPPA (D) THR. LRS

Respondent(s)

(With prayer for interim relief)

Date: 17/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. S.N. Bhat, Adv.

For Respondent(s)

Mr. R.S. Hegde, Adv.
Mr. P.P. Singh, Adv.

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

We find that, having regard to the decision of this Court in D.S. Parvatahamma vs.

A. Srinivasan : (2003) 4 SCC 705, another question would also arise for consideration,

i.e. if the plaintiff is ready and willing to perform the contract and if he is in possession, can a suit for specific performance

by such a plaintiff be dismissed on the ground of limitation at all. In view of this, leave is granted without restricting it to the question of law referred to in the order dated 12th April, 2010.

In the meanwhile both parties agree to have the matter attempted for mediation. Parties to appear before the Dharwad Mediation

Centre without further notice on 8th February,
2011.

(Inder Pal Singh)
AR-cum-PS

(M.S. Negi)
Court Master