

J
SLP(C)No. 13109-13110 OF 2000

ITEM No.42

Court No. 9

SECTION XII
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13109-13110/2000

(From the judgement and order dated 09/02/2000 in WA 1042/99
and C.M.P.No.10381/99 of The HIGH COURT OF MADRAS)

TAMIL NADU HOUSING BOARD & ANR.

Petitioner (s)

VERSUS

TMT. SAROJINI

Respondent (s)

(With prayer for interim relief)

Date : 23/04/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr.A. Mariarputham,Adv.for
M/s Arputham,Aruna & Co.

For Respondent (s)

Mr.T. Harish Kumar,Adv.,
Mr.Rakesh K. Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
.SP2

Leave granted.

The appeals are disposed of in terms of the
directions contained in the signed order.

.SP1

(Vijay Kumar Sharma)
Court Master

(K.K. Chadha)
Court Master

Signed order is placed on the file.

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L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
.PL54

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3262-3263 OF 2001@@
CC
(Arising out of SLP (C) No.13109-13110/2000)

TAMIL NADU HOUSING BOARD & ANR.

Appellants

Versus

TMT. SAROJINI

Respondent

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....J.....
.SP2

Leave granted.

Heard the learned counsel for the parties.

As agreed by the learned counsel for the parties, the following part of the impugned order is set aside :-

.....L.....I.....T.....T.....T.....T.....J.....
.SP1

"The Board is directed to refund the amount, if any, received from the appellant towards the allotment in question. The amount shall be refunded within two months from the date of taking of the possession of the premises in question by the respondent-Board."

.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
.SP2

It is admitted that the Board has taken possession of the disputed premises. Learned counsel for the respondent has stated that the respondent is waiving her right to recover the amount of instalment deposited. Learned counsel for the appellants states that in view of this appellants also would not initiate

.PA

:-2:-

any proceedings for the recovery of rent or licence fee for the use and occupation of the premises. The appeals stand disposed of accordingly.

.SP1

.....J.
(M.B.Shah)

.....J.
(S.N. Variava)

New Delhi,
April 23,2001