

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).9700-9701 2017

Petition(s) for Special Leave to Appeal (C) No(s). 9690-9691/2016

GADDAM VIJAYALAKSHMI

Appellant(s)

VERSUS

RAVIPATI VENKAYAMMA

Respondent(s)

O R D E R

Heard the learned counsel for the parties.

We feel that the Trial Court was justified in refusing specific performance in the instant case. Considering the facts and circumstances of the case, the trial Court had exercised the discretion not to decree the suit for specific performance. The discretion was exercised in accordance with the well settled principles of law.

Thus, the High Court should not have interfered in the discretion exercised by the Trial Court while refusing the prayer to decree specific performance. However, it directed the earnest money to be refunded along with interest.

In our opinion, as, by now, roughly 27 years have passed after payment of Rs. 10,000/-, that would have multiplied manifold. Hence, it would meet the ends of justice if we direct a lump sum of Rs. 2,50,000/- (Rupees Two lakh and fifty Thousand only) to be paid by way of

refund of the money. That would be sufficient to meet the ends of justice.

Let the amount of Rs. 2.50,000/- (Rupees Two lakh and fifty Thousand only) be paid within a period of two months from today, failing which, the same shall carry the interest at the rate of 12% from the date of this order.

The appellant would be entitled to obtain the refund of the amount deposited, pursuant to the judgment decree passed by the High Court, along with interest, if any, accrued thereupon.

Accordingly, the appeals are allowed and the judgment and decree passed by the High Court is set aside and that of the Trial Court is modified to the aforesaid extent.

Pending application(s), if any, shall stand disposed of.

.....J
(ARUN MISHRA)

.....J
(AMITAVA ROY)

NEW DELHI;
JULY 24, 2017

ITEM NO.47

COURT NO.10

SECTION XII-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

Petition(s) for Special Leave to Appeal (C) No(s). 9690-9691/2016

(Arising out of impugned final judgment and order dated 07-11-2015 in AS No. 1435/1998 07-11-2015 in CO No. 65144/1998 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

GADDAM VIJAYALAKSHMI

Petitioner(s)

VERSUS

RAVIPATI VENKAYAMMA

Respondent(s)

Date : 24-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Basava Prabhu Patil, Sr. Adv.
Mr. G. Ramakrishna Prasad, Adv.
Mr. Suyodhan Byrapaneni, Adv.
Mr. Wasay Khan, Adv.
Ms. Filza Moonis, Adv.
Mr. Bharat J. Joshi, Adv.

For Respondent(s) Mr. B. Adinarayana, Sr. Adv.
Mr. Yogesh Raavi, Adv.
Mr. Vijay Kumar, AOR
Ms. Sindoorra Unl. Adv.

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

Leave granted.

The appeals are allowed in terms of the signed order.

(B. PARVATHI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(Signed order is placed on the file)