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SLP(C)No. 11852-11854 OF 2001

ITEM No.31

Court No.11

SECTION XIIA  
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.11852-11854/2001

(From the judgement and order dated 14/03/2001 in CMP 1203/01,2097/01,  
CMP 1498/99 IN AS 136/99 of The HIGH COURT OF A.P AT HYDERABAD)

TONDAPU VENKATA PEDDANNA & ORS.

Petitioner (s)

VERSUS

NAGASARAPU ANANTHA VENKATA N. RAO & ORS.

Respondent (s)

( With Appln(s). for permission to permit ptrn.No.4 to withdraw from  
the SLP and with prayer for interim relief )

Date : 09/08/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL  
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr.R. Sundervardhan,Sr.Adv.  
Mrs. Anjani Aiyagari,Adv.

For Respondent (s) Mr.D.Bharat Kumar,Adv.  
Mr. Abhijit Sengupta,Adv.

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

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

The application for permission for withdrawl of  
petitioner no.4 from the S.L.Ps. is allowed.

Leave granted.

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

.SP1

[Naresh Kumar]  
Court Master

[ VP Tyagi ]  
Court Master

[Signed order is placed on the file.]

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.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

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

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4886-4888 OF 2002@@  
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[Arising out of SLP(C) Nos.11852-11854/2001]

Tondapu Venkata Peddanna & Ors. ...Appellants

Vs.

Nagasarapu Anantha Venkata N.Rao & Ors. ...Respondents

O R D E R@@  
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L....L....I....T.....T.....T.....T.....T.....T.....T.....J....R  
.SP2

The application for permission for withdrawal of petitioner no.4 from the S.L.Ps. is allowed.

Leave granted.

The order of dispossession granted in favour of the appellants was vacated by the High Court on 16.2.1999 in CMP No.1498/99 on the ground that the said order was conditional on deposit of rent from the month of April, 1999 and the appellants had not complied with that order. According to the appellants that order had been complied with and in fact the amount of rent in deposit was more than due which is disputed by the counsel for the respondents herein. Without expressing any opinion on merit we would set aside the impugned order and remand the case to the High Court where the parties may file additional affidavit and documents to show whether the appellants were in arrears of rent or not. The High Court on such fresh material will redecide as to whether the order dated 16.2.1999 deserves to be vacated or not. Till such decision the status quo shall be maintained by the parties. The appeals are disposed of accordingly.

.SP1

.....J.  
[ Y.K. SABHARWAL ]

New Delhi,  
August 09, 2002.@@  
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.....J.  
[ H.K. SEMA ]