

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 4799 OF 2001

MUNIVENKATAPPA

Appellant (s)

VERSUS

SRI V. RAMA REDDY(DEAD)BY LRS.

Respondent(s)

Date: 11/10/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. S. Javeli, Senior Adv.
Mr. G.V. Chandrashekar, Adv.
Mr. Nand Kishor, Adv.
Mr. P.P. Singh, Adv.

For Respondent(s)

Mr. P.K. Ramaseesh, Adv.
Mr. Khwairakpam Nobin Singh, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeal is disposed of in terms of the signed order.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4799 OF 2001

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Appellant(s)

Versus

SRI V. RAMA REDDY(DEAD) BY LRS.

Respondent(s)

ORDER

We have heard learned counsel for the parties.

This appeal by special leave is directed against the judgment and order dated 13th April, 2000 in R.F.A. No.778 of 1995 passed by the High Court of Karnataka at Bangalore whereby the learned Single Judge held that the plaintiff is entitled to the

possession of the scheduled property and there shall be a decree of possession in favour of the plaintiff subject to the condition that the plaintiffs deposit an amount of Rs.1 lac with interest at the rate of 6% per annum on Rs.48,000/- from 21st April, 1984 and at the rate of 6% per annum on Rs.52,000/- from 23rd February, 1986 within eight weeks from today before this Court which the defendant is entitled to withdraw. The amount in question was not deposited by the respondents herein.

After hearing learned counsel for the parties, we think that the order passed by the High Court appears to

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be justified. The respondents are directed to pay the amount @ 2% per month interest as agreed between the parties originally on the various amounts i.e. Rs.48,000/-, Rs.75,000/- and Rs.1 lac on the rates agreed between the parties. Learned counsel for the respondents submits that he will deposit the entire amount with agreed interest within three months from today. In case the agreed amount is deposited within three months from today, the appellant shall handover the vacant possession of the land after receiving the entire amount from the respondents, and the respondents will then have clear title in respect of the land.

This order is passed without going into the merit or demerit of the judgment of the High Court. Any adverse observation to the contrary made by the High Court shall not come in the way of the appellant in view of the adjustment which is sought to be made by this Court.

In case the entire amount deposited by the respondents is paid to the appellant within three months then the appellant shall give him a clean chit so as to enable them to correct the revenue record and set it right.

In case the amount in question is not deposited by the respondents herein then this order will not operate

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in their favour and the appellant shall be entitled to retain the possession.

The amount in question shall be deposited by the respondents in the Trial Court within three months from today. It will be open for the appellant to withdraw the same on complying with the conditions laid down therein.

The appeal is accordingly, disposed of.

.....J.
(A.K.MATHUR)

.....J.
(MARKANDEY KATJU)

New Delhi,
October 11, 2007.