

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO.2/2005

IN

CIVIL APPEAL NO. 7271 OF 1999

Jaffar Siddique & Ors.

Petitioners

Versus

Y. Khais & Anr.

Respondent

O R D E R

After confirming the decree for specific performance, while dismissing the appeal filed by the appellant-vendor, for short 'the appellant', a direction was issued to the appellant to execute the Sale Deed in favour of the respondent on payment of balance amount of sale consideration. Counsel for the respondent-vendee, for short 'the respondent', had stated before us that a sum of Rs.1,15,000/-, being the balance sale consideration, was lying deposited in the Court of the Xth Additional City Civil Judge at Bangalore. It was observed that the appellants would be entitled to receive the aforesaid amount alongwith interest, if any, accrued thereon.

Present application has been filed by the respondents for

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substituting the amount of Rs.1,15,000/- to Rs.97,961/- and for liberty to deposit the balance amount of sale consideration of Rs.17,039/-. This figure has been arrived at after deducting an amount of Rs.17,039/- ordered by the High Court to be paid to the respondent by way of costs which were withdrawn by him. It has been stated in the application that there was an inadvertent mistake on the part of the counsel in reporting that a sum of Rs.1.15 lakhs was lying deposited with the Xth Additional City Civil Judge at Bangalore instead of Rs.97,961/-. A prayer has been made for substituting the figure of Rs.97,961/- in place of Rs.1.15 lakhs mentioned in the penultimate paragraph of the judgment and for permission to deposit the balance amount of sale consideration, i.e. Rs.17,039/-.

Counsel for the parties have been heard.

In the penultimate paragraph of the judgment dated 20.04.2005 in Civil Appeal No.7271 of 1999, the figure of Rs.97,961/- be substituted in place of Rs.1,15,000/-. Keeping in view the facts and circumstances of the present case, the period to deposit the balance sale consideration of Rs.17,039/- is extended by one week from today, in exercise of powers under Section 28 of the Specific Relief Act read with Sections 148 and 151

of the Code of Civil Procedure. The applicant-respondent is permitted to deposit the balance consideration of Rs.17,039/- within a week. On his doing so, the sum of Rs.97,961/- plus Rs.17,039/- totaling to Rs.1,15,000/- be paid to the vendor-appellant alongwith interest, which may have accrued on the sum of Rs.97,961/- which was lying deposited in the Court of Xth

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Additional City Civil Judge at Bangalore.

The appellant is directed to execute the Sale Deed within a month of the receipt of the aforesaid amount and on his failure of doing so, the trial Court shall execute the Sale Deed in favour of the respondent-vendee on behalf of the appellant-vendor.

I.A. No.2 is disposed of accordingly.

.....J.

(ASHOK BHAN)

New Delhi;

.....J.

March 08, 2006.

(A.K. MATHUR)

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ITEM NO.301

COURT NO.5

SECTION IVA

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

RECORD OF PROCEEDINGS

IA 2/2005 in CIVIL APPEAL NO. 7271 OF 1999

JAFFAR SIDDIQUE & ANR

Appellant (s)

VERSUS

Y. KHAIS & ANR

Respondent(s)

(With appln(s) for clarification/correction of error in order dt. 20.04.2005 and office report)

Date: 08/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Mr. Vinod A. Bobde, Sr. Adv.

Mr. S. Sukumaran, Adv.

Mr. A. Deb Kumar, Adv.

Mr. K. Rajeev, Adv.

For Respondent(s)

Mr. C.S. Vaidyanathan, Sr. Adv.

Mr. K.V. Viswanathan, Adv.

Mr. B. Ragunath, Adv.

Mr. K.V. Venkataraman, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A. No.2 is disposed of in terms of the signed order.

(RAVI P. VERMA)

(KANWAL SINGH

Court Master

Court Ma

ster

[Signed order is placed on the file]

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