

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.18290/2000

(From the judgement and order dated 12/01/2000 in LPA 179/99  
of The HIGH COURT OF MADRAS)

D. DASARATHARAMA REDDY & ANR. Petitioner (s)

VERSUS

G. KANNIAH REDDY & ORS. Respondent (s)

( With Appln(s). for bringing LRs on record & with prayer for  
interim relief and office report & IA 4 appln. for permission  
to file addl. documents and IA 5 appln. for exemption from filing OT)  
( For Final Disposal )

Date : 29/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. K.K. Mani,Adv.

For Respondent (s) Mr. A.T.M. Sampath,Adv.  
Mr. R Subramanian, Adv.  
Mr. V Balaji, Adv.

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

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Applications for substitution are allowed.  
Leave granted.  
Report regarding site plan is to be submitted before  
this Court before 21st September, 2001  
The appeal is allowed in terms of the signed order.

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(D.L. Chugh)  
Court Master

(K.K. Chadha)  
Court Master

Signed order is placed on the file

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.PL56

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6001 OF 2001@@

D Dasaratharama Reddy & Anr. ....Appellants

VERSUS

G Kanniah Reddy & Ors. ....Respondents

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Heard learned counsel for the parties.  
Leave granted.

This appeal is filed against the judgment and decree passed in Letters Patent Appeal No.179 of 1999 by the High Court of Madras. By the impugned judgment and decree the Court confirmed the judgment passed by the learned Single Judge in Appeal No. 372 of 1987 and held that the appellant was not entitled to have specific performance of the contract but was entitled to have compensation of Rs.4 lakhs.

At the time of hearing of this appeal learned counsel for the appellants submitted that the judgment and decree passed by the courts below are prima facie illegal. It is his contention that the appellants suit was based on an agreement to sell wherein there is a specific condition that after the eviction of the unauthorised occupants of the land, the land would be transferred in favour of the appellants and that till then limitation for the agreement will not begin.

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- 2 -

Considering the aforesaid agreement as well as other evidence and the judgments rendered by the courts below, the learned counsel on behalf of the respondents submitted that the respondent is prepared to convey land admeasuring four grounds out of total 12 grounds of suit land. He submitted that this will be in full and final settlement of the appellants claim and the sale consideration would be at the rate agreed in the agreement to sale. This offer is accepted by the learned counsel for the appellant. Learned counsel for the parties produced on record their consent memos.

In this view of the matter, it is ordered as under:

1. The respondent shall execute a sale-deed for four grounds of suit land instead of 12 grounds as claimed in the suit.
2. For the said land the appellant shall pay Rs.12,000/- as sale-consideration as per the agreement to sell.
3. The respondents would hand-over actual, physical and vacant possession of the said part of the suit land on or before 30th September, 2001
4. The decree passed by the First Appellant Court granting Rs.4 lakhs as compensation to the appellants is set aside and it would be open to the respondents to withdraw the said amount which is deposited before the High Court of Madras.

.....3/-

- 3 -

5. Respondent has agreed that within a period of three weeks from today four grounds of suit land which are to be handed over to the appellants would be specified and

demarcated on a site plan. The land allotted to the appellants should have separate ingress.

For this purpose a site plan would be submitted before this Court on or before 21st of September, 2001.

In this view of the matter, the judgment and decree passed by the learned Single Judge in Appeal No.372 of 1987 stands modified to the aforesaid extent. The appeal is partly allowed with no orders as to costs.

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(M.B. SHAH)@@  
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.....J.@@  
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(R.P. SETHI)@@  
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New Delhi,  
August 29, 2001