

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 4663-4665/2012

A.V.S. SUBRAMANYAM & ORS.

Appellant(s)

VERSUS

ANNANGI SREE RAMA MURTHY (D) THROUGH LRS.

Respondent(s)

O R D E R

1. We are happy to record that with a little effort by the Court and sincere cooperation by the learned Counsels for both sides, the parties have agreed for closure of a litigation pending for over 40 years and both parties have agreed as communicated through their counsel that the matter will stand concluded and the suit for specific performance being OS No.51/83 will stand disposed of in terms of the settlement arrived at.

2. The brief facts are being recorded as we deem it necessary to mention the same for better understanding of the compromise. The agreement for sale was entered between the parties on 3rd June, 1982 with respect to land in question owned by the appellant, in favour of the respondent. The sale consideration was Rs. 38,000/- out of which Rs. 10,000/- was paid as advance at the time of the execution of the agreement to sell. As the sale deed was not being executed, after giving due notice the respondent

instituted a civil suit for specific performance being OS No.51/83. The said suit was decreed by the Trial Court on 30th November, 1990. The appeal preferred by the appellant before the High Court was dismissed on 16th April, 2008.

3. The respondent filed an IA on 19.08.2008 for depositing the balance sale consideration of Rs. 28,000/- before the Trial Court being IA 728/08. The said IA was allowed by the Trial Court on 4.9.2008 and thereafter the deposit was made on 11.09.2008. Thereafter, the respondent filed IA 324/09 under section 28(3) of Specific Relief Act, 1963 (1963 Act) seeking to execute the registered sale deed in his favour.

4. On the other hand, the appellant filed IA 539/09 under section 28(1) of the 1963 Act on the ground that balance sale consideration was not deposited within the time allowed vide judgment of the Trial Court dated 30.11.1990, despite there being no interim order in appeal staying the deposit.

5. The Executing Court, vide order dated 16.09.2009 allowed the IA 324/09 while dismissing IA 539/09.

6. The appellant preferred three civil revisions before the High Court which were dismissed by the impugned order dated 12th March, 2010.

7. Aggrieved by the same, the present appeals were preferred.

8. According to the settlement entered into between the parties, the appellants will pay an amount of Rs.40,00,000/- (Rupees Forty Lakhs Only) to the respondent(s) within a period of eight weeks from today, and would be entitled to retain the property in suit. The respondent(s) would provide all the necessary bank account details to the appellants herein within a period of one week from today so that the said amount of Rs.40,00,000/- (Rupees Forty Lakhs Only) could be transferred directly to the bank account of the respondent(s) or otherwise, the appellants may get an account payee bank draft of Rs.40,00,000/- (Rupees Forty Lakhs Only) in the agreed name(s) of the respondent(s) within the same time frame of eight weeks.

9. Upon such payment being made, the suit filed by the respondent(s) shall stand disposed of and all the consequential proceedings shall also stand set aside.

10. Further pursuant to the order passed by the Executing Court, the respondent(s) have deposited a sum of Rs.28,000/- on 11<sup>th</sup> September, 2008 with the Court. The same may be returned to the respondent(s) along with interest, if any, accrued thereon.

11. Further in case the cost, as imposed upon the appellants by the Trial Court has been deposited by them, under the stay order granted by the Appellate Court, the

same would be returned to the appellants.

12. The appeals stand allowed as above. Pending application(s), if any, stand disposed off.

.....J.  
(VIKRAM NATH)

.....J.  
(SANJAY KAROL)

New Delhi  
01<sup>st</sup> February, 2024

ITEM NO.103

COURT NO.8

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

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WITH

S.L.P.(C)...CC No. 14335/2014 (XII-A)

Date : 01-02-2024 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH  
HON'BLE MR. JUSTICE SANJAY KAROL

For Appellant(s) Mrs. Sudha Gupta, AOR

Mrs. K. Sarada Devi, AOR  
Mr. R.vijay Nandan Reddy, Adv.  
Mr. V.krishna Swaroop, Adv.

For Respondent(s) Mr. Ananga Bhattacharyya, AOR

Mr. Dama Seshadri Naidu, Sr. Adv.  
Mr. M Srinivas R Rao, Adv.  
Mr. Abid Ali Beeran P, AOR  
Mr. Saswat Adhyapak, Adv.

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Mr. M Srinivas R Rao, Adv.  
Mr. Abid Ali Beeran P, AOR  
Mr. Saswat Adhyapak, Adv.

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

Delay in S.L.P.(C)...CC No. 14335/2014 is condoned.

The appeals are allowed in terms of the signed order.

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

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)  
COURT MASTER (NSH)

(signed order is placed on the file)