

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 60/2009

AITHAPPA NAIKA & ANR.

Appellant(s)

VERSUS

K. DAMODARA NAYAK @ K. LAKSHMANA
NAYAK

Respondent(s)

WITH

Civil Appeal No(s). 61/2009

O R D E R

We have heard learned counsel for the appellants.

These appeals are of 2006. Despite service, the respondent has not put in appearance.

We are told by learned counsel for the appellants that the decree against the appellants was for delivery of possession and for payment of mesne profits. He says that possession has already been handed over to the respondent. The only issue is whether mesne profits are required to be paid by the appellants.

We are told that the amount is not too large being in the region of about Rs.75,000/-. The appellants belong to a scheduled tribe. It appears that since the respondent has obtained possession of the property, he is perhaps not interested in recovery of mesne profits and therefore he has not put in appearance for the last 10 years or so.

Under the circumstances, while leaving open the question

of law determined by the High Court, we set aside the judgment and order passed by the High Court on the peculiar facts of the case.

The civil appeals are disposed of.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
AUGUST 03, 2017.

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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C.A. No. 61/2009 (XI -A)

Date : 03-08-2017 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s) Mr. S. N. Bhat, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

The civil appeals are disposed of in terms of the signed
order.(MEENAKSHI KOHLI)
COURT MASTER(SHARDA KAPOOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file]