

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 173 OF 2013
(arising out of S.L.P. (Civil) No. 30467 of 2010)

CHANDRIKA APPARTMENTS P.LTD. Appellant(s)

VERSUS

B.JAYALAKSHMI(D)BY LRS.& ORS. Respondent(s)

O R D E R

We have heard Mr. Mukul Rohtagi, learned senior counsel for the petitioner, Mr. S. Guru Krishnakumar, learned senior counsel for respondent Nos. 1, 3 to 6, and Mr. G.S. Bhat, learned counsel for respondent No. 2.

2. Leave granted.

3. Civil Appeal is dismissed as regards appellant's prayer for specific performance.

4. However, the respondents are directed to pay a sum of Rs. 1 Crore (Rupees One Crore) to the appellant within twelve weeks from today instead of refund of Rs. 2 Lakhs with interest at the rate of 12% per annum from February 19, 1988 and Rs. 1 Lakh with interest at the rate of 12% per annum from May 21, 1988. The decree passed by the trial court which has been affirmed by the High Court is modified to the above extent with regard to refund of advance amount. No costs.

.....J.
(R.M. LODHA)

NEW DELHI;J.
JANUARY 10, 2013 (SUDHANSU JYOTI MUKHOPADHAYA)

ITEM NO.9 COURT NO.6 SECTION IVA

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(s).30467/2010

(From the judgement and order dated 16/04/2010 in RFA No.151/2010 of The HIGH COURT OF KARNATAKA AT BANGALORE)

CHANDRIKA APPARTMENTS P.LTD.

Petitioner(s)

VERSUS

B.JAYALAKSHMI(D)BY LRS.& ORS.

Respondent(s)

(With prayer for interim relief and office report)

(FOR FINAL DISPOSAL)

Date: 10/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. C.U. Singh, Sr. Adv.
Mr. Abhinav Ramanand, Adv.
Mr. Balaji Srinivasan, Adv.
Ms. Shefali Malhotra, Adv.
Ms. Jaikriti S. Jadeja, Adv.
Mr. K. Vijay Kumar, Adv.

For Respondent(s) Mr. S. Guru Krishnakumar, Sr. Adv.
Ms. Srikala G.K., Adv.
Mr. S.R. Setia, Adv.
Mr. A. Prasanna Venkat, Adv.

Mr. G.S. Bhat, Adv.
Mr. G.V. Chandrashekar, Adv.
Mr. N.K. Verma, Adv. for
Ms. Anjana Chandrashekar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

Appeal is dismissed in terms of the signed order.

| (Rajesh Dham)
| Court Master

| | (Renu Diwan)
| | Court Master

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(signed order is placed on the file)