

ITEM NO.4

COURT NO.1

SECTION XVII

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

CONMT.PET.(C) No.271/2016 In C.A. No.6976/2015

MR. K. UMAPATHI ALIAS UMAPATHI K. REDDY & ANR. Petitioner(s)

VERSUS

M/S. ADARSH DEVELOPERS & ORS.

Respondent(s)

WITH CONMT.PET.(C) No.289/2016 In C.A. No. 6976/2015 (XVII)
(With appln.(s) for permission to file additional documents)

Date : 10-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr. Purushottam Sharma Tripathi, AOR

Mr. Ashok Bannidinni, Adv.
Mr. Nitin R. Kalshetti, Adv.
Mr. Nitin Kumar Thakur, AOR

For Respondent(s)

Mr. Maninder Singh, ASG
Mr. Akshay Amritanshu, Adv.

Mr. Sajan Poovayya, Sr. Adv.
Ms. Vaishnavi S., Adv.
Mr. Balaji Srinivasan, Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Pratibhanu Singh Kharola, Adv.
Ms. Pratiksha Mishra, Adv.
Mr. Abhishek Bharti, Adv.
Mr. Arunava Mukherjee, Adv.

Mr. V. N. Raghupathy, AOR

Mr. Nitin Kumar Thakur, AOR

Mr. Purushottam Sharma Tripathi, AOR

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

In pursuance of our order dated 11th December, 2017, Mr. B.M. Karunesh, the respondent No.2, is personally present in the Court.

It is submitted by Mr. Sajan Poovayya, learned senior counsel for the purchaser that he has received a sum of Rs.35,00,000/- (Rupees thirty-five lacs only) and, therefore, he does not intend to contest the litigation in whatever form.

Mr. Ashok Bannidinni, learned counsel appearing for the petitioner submits that because of some settlement arrived at between the parties, the suit is deemed to have been withdrawn.

Keeping in view the totality of circumstances, we are inclined to direct that the suit filed by the plaintiff being O.S. No.4426 of 2014 before the Bangalore City Civil Court shall stand revived and continue in accordance with law. The learned trial Judge is directed to dispose of the said suit by the end of 2018 in accordance with law.

Clauses (a) to (d) in the order dated 19th January, 2016 in Civil Appeal No.6976/2015, are substituted with the following direction:-

"M/s. Adarsh Developers shall be returned a sum of Rs.35 lacs (rupees thirty-five lacs) by the intervenor, Sanjay Vitthalrao Shinde, within twelve weeks from today by way of a bank draft drawn on a nationalized bank. Needless to say, the said amount shall be paid on behalf of the appellant and at the time of registration, the said amount shall be deducted from the

consideration amount.”

In view of the aforesaid, the said developer is out of the litigation and the suit shall stand revived.

The contempt petitions are, accordingly, disposed of.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar