

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE/ORIGINAL JURISDICTION

Civil Appeal No(s). 557/2009

BHIKA NATHU PATIL THR. ITS POWER OF ATTORNEY Appellant(s)  
HOLDER SH. BAUSAHEB S/O BHIKA PATIL

VERSUS

DNYNESHWAR VANJI PATIL Respondent(s)

WITH

CONMT.PET.(C) No. 843/2017 In C.A. No. 557/2009

O R D E R

We have heard the learned counsel appearing for the parties at length.

After carefully perusing the material available on record, we see no reason to interfere with the concurrent findings of the Courts below.

However, it is informed by the learned counsel appearing for the respondent that at the time of entering into agreement with the appellant, his client has paid an amount of Rs.1,07,460/- to the appellant in the year 1997 towards sale consideration of the land.

However, taking into consideration the long pendency of litigation, we thought that it would be just and appropriate for us to give some more money to the appellant. Therefore, we direct the learned counsel for the respondent to pay Rs.3,00,000/- as an additional amount for which, on instructions, learned counsel submits that his client is agreeable for the same, but wants four weeks' time to pay the said amount to the appellant. Immediately after the payment is made, the appellant is directed to execute sale deed in favour of respondent, in no case later than seven days, and to vacate the land and give peaceful possession thereto to the respondent.

Learned counsel appearing for the appellant has drawn our attention to clause (iv) of order dated 20-2-2002 passed by the Civil Judge, Senior Division, Amalner which is reproduced below:-

"the Plaintiff is entitled to claim mesne profit in respect of the land in question since 1999. Separate inquiry will be conducted for ascertain of mesne profit."

Learned counsel for the appellant requests us that the said order may be set aside keeping in view the long pendency of litigation between the parties and the learned counsel appearing for the respondent has no objection for the same if the said order is set aside.

Accordingly, we set aside clause (iv) of order dated 20-2-2002 passed by the Civil Judge, Senior Division, Amalner.

The Civil Appeal is disposed of in the afore-stated terms.

CONMT.PET.(C) No. 843/2017 in C.A. No. 557/2009

In view of disposal of Civil Appeal No.557 of 2009, there is no reason to continue with the Contempt Petition and accordingly it is closed.

.....J  
(N.V. RAMANA)

.....J  
(AMITAVA ROY)

NEW DELHI;  
25TH OCTOBER, 2017.

ITEM NO.101

COURT NO.9

SECTION IX

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

Civil Appeal No(s). 557/2009

BHIKA NATHU PATIL THR. ITS POWER OF ATTORNEY Appellant(s)  
HOLDER SH. BAUSAHEB S/O BHIKA PATIL

VERSUS

DNYNESHWAR VANJI PATIL Respondent(s)

WITH

CONMT.PET.(C) No. 843/2017 In C.A. No. 557/2009 (IX)

Date : 25-10-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s)

Mr. Uday B. Dube, AOR

For Respondent(s)

Mr. Shashibhushan P. Adgaonkar, AOR

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

Civil Appeal No(s). 557/2009:-

The Civil Appeal is disposed of in terms of the signed order.

CONMT.PET.(C) No. 843/2017 in C.A. No. 557/2009:-

In view of disposal of Civil Appeal No.557 of 2009, there is no reason to continue with the Contempt Petition and accordingly it is closed, in terms of the signed order.

(VISHAL ANAND)  
COURT MASTER (SH)

(S.SIVARAMAKRISHNA)  
ASST.REGISTRAR

(Signed Order is placed on the file)