

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

Petition(s) for Special Leave to Appeal (C) No(s). 1616/2017

(Arising out of impugned final judgment and order dated 05-11-2015 in SA No. 171/2009 passed by the High Court Of Judicature At Madras)

V.P. MURUGESAN

Petitioner(s)

VERSUS

P. SHIEK MIDEEN

Respondent(s)

Date : 24-11-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. P. Ramesh, AOR

For Respondent(s)

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

On 04.01.2017, this Court issued notice limited to the extent of recovery of the amount given by the petitioner to the respondent. Given the fact that the impugned judgment held that it was open for the plaintiff to recover the sum of Rs.35,000/- by instituting appropriate proceedings, we are of the view that since specific performance ultimately has not been allowed, the sum of Rs.35,000/- that has been undoubtedly paid must be returned to the petitioner.

This will be done with interest at the rate of 9% p.a. from the date on which the said money was "advanced" till payment.

To this limited extent, the special leave petition is allowed.

(R. NATARAJAN)
COURT MASTER (SH)

(SAROJ KUMARI GAUR)
COURT MASTER