

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4546 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 22222 OF 2015]

V.K. BALASUBRAMANIAN (DEAD) BY LRS. Appellant(s)

VERSUS

C. SUMATHI Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellants are before this Court, aggrieved by the order passed by the High Court, condoning the delay on the condition of payment of Rs. 20,000/- by way of costs.
3. The learned counsel for the appellants submits that it is only a dilatory tactics adopted by the respondent herein and that the respondent was within full knowledge of all the developments and hence, there in no justification on the part of the High Court in condoning the delay. Though, we find some force in the submission made by the learned counsel, yet, having regard to the fact that this is a case of suit for specific performance, we are reluctant to interfere with the impugned order passed by the High Court.

4. However, we impose a further costs of Rs.20,000/- (Rupees Twenty Thousand) on the respondent. The appeal is, hence, disposed of with a direction to the respondent to pay an additional amount of Rs.20,000/- (Rupees Twenty Thousand) (Rs.40,000/- in total) to the appellants, by way of Demand Draft drawn in the name of Appellant No. 1, within three weeks from today.

5. It is made clear that in case the costs, as above, are not paid within the stipulated time, the order passed by the High Court shall stand set aside.

6. We also direct the III Additional Subordinate Judge, Coimbatore to try and dispose of O.S.No. 287 of 2000 expeditiously.

Pending interlocutory applications, if any, stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
March 24, 2017.

ITEM NO.45

COURT NO.7

SECTION XII

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). 22222/2015

(Arising out of impugned final judgment and order dated 09/02/2015 in CRP No. 4858/2013 passed by the High Court Of Madras)

V.K. BALASUBRAMANIAN (DEAD) BY LRS. Petitioner(s)

VERSUS

C. SUMATHI Respondent(s)

(with interim relief and office report)

Date : 24/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. G. Ananda Selvam, Adv.
Mr. K. Mayil Samy, Adv.
Mr. Vasantha Kumar, Adv.
Mr. R. V. Kameshwaran, Adv.

For Respondent(s) Mr. M. A. Chinnasamy, Adv.
Ms. C. Rubavathi, Adv.
Mr. V. Senthil Kumar, Adv.
Mr. P. Raja Ram, Adv.
Mr. S. Peer Mohammad, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed non-reportable Judgment

Pending interlocutory applications, if any, stand disposed of.

(Jayant Kumar Arora)
Court Master

(Renu Diwan)
Assistant Registrar

(Signed non-reportable Judgment is placed on the file)