

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.11358/2017  
[@ SLP (C) NO.35843/2016]

PADUCHURU PARANDHAMAYYA & ANR.

Petitioners

VERSUS

SARIPALI APPALA NAIDU & ORS.

Respondents

O R D E R

Leave granted.

Heard petitioner No.1 who appears in person at length.

The petitioners had filed a suit on 04.06.1990 against the present respondents seeking specific performance of the agreement of sale dated 26.11.1983 of the scheduled property and directing the defendants (respondents herein) to execute and register the sale deed in favour of the petitioners after receiving the balance of the consideration and some other reliefs.

In the first round of litigation which came up to this Court, the agreement dated 26.11.1983 was held to have been executed between the parties. However, this Court vide order dated 18.08.2011 remanded the matter to the trial Court to decide whether the discretionary relief of specific performance should be granted to the plaintiff or not by taking into consideration various aspects and right to lead additional evidence was also permitted.

We may mention here that in the earlier round of litigation the Courts below had permitted that the amount given as advance/earnest money be refunded along with

interest.

In the remand proceedings the trial Court as also the First Appellate Court has held that the petitioners herein were not ready and willing to perform the contract after they gave a reply to the notice on 11.06.1987 as nothing has been brought on record to show/establish that the petitioners were ready and willing to perform the contract after 11.06.1987 till the date of filing of the suit i.e. 04.06.1990 and, therefore, the relief for specific performance was declined.

The petitioner No.1 who appears in person has not been able to establish that the petitioners were ready and willing to perform their part of the contract after 11.06.1987 when they had sent the reply to the notice sent by the respondents herein till the date of filing of the suit on 04.06.1990.

In view of the above, we do not find any ground to interfere with the impugned order passed by the High Court.

The Civil Appeal is dismissed.

Pending application stands disposed of.

.....J.  
[R.K. AGRAWAL]

.....J.  
[ABHAY MANOHAR SAPRE]

NEW DELHI;  
SEPTEMBER 06, 2017.

ITEM NO.13

COURT NO.8

SECTION XII-A

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 for Special Leave to Appeal (C) No.35843/2016

(Arising out of impugned final judgment and order dated 24-08-2016 in AS No.836/2015 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

PADUCHURU PARANDHAMAYYA &amp; ANR.

Petitioners

VERSUS

SARIPALI APPALA NAIDU &amp; ORS.

Respondents

(FOR [PERMISSION TO FILE ANNEXURES] ON IA 1/2016 and IA No.80911/2017-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 06-09-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)      Petitioner-in-person

For Respondent(s)      Ms. V. Mohana, Sr. Adv.  
Mr. Gowri Shanker, Adv.  
Mr. B. Ragunath, Adv.  
Mr. A. Vasantha Kumar, Adv.  
Mr. N.C. Kavitha, Adv.  
Mr. Vijay Kumar, AOR

Mr. Sameer Kumar, Adv.

Mr. Sanjeev Malhotra, AOR

UPON hearing the counsel the Court made the following

O R D E R

Application for permission to appear and argue in person is allowed.

Leave granted.

Heard petitioner No.1 in person.

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

Pending application stands disposed of.

(ASHA SUNDRIYAL)  
COURT MASTER

(CHANDER BALA)  
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE)