

ITEM NO.57

COURT NO.12

SECTION IV-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

MA No.2404 of 2018 in SLP (Civil) No.15195/2014

(Arising out of impugned final judgment and order dated 08-09-2017
in SLP(C) No.15195/2014 passed by the Supreme Court Of India)

MOHAMMADASAHEB GOUSESAHEB GOUNDI

Petitioner(s)

VERSUS

SANKAR CHANDRU SATHE

@ MALE @ GAVALI (D) BY LRS. & ORS.

Respondent(s)

(IA No.130360 of 2018 - Application for permission to deposit the
sum ordered by this Court on 08.09.2017)

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

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Counsel for the Parties:

Mr. Shanth Kumar V. Mahale, Adv.

Mr. Rajesh Mahale, Adv.

Mr. Abdul Rahiman, Adv.

Mr. P.R. Kovilan, Adv.

Ms. Geetha Kovilan, Adv.

Ms. Jubli Momalia, Adv.

Dr. Nanda Kishore, AOR

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

In the present matter, the original plaintiff had filed a suit
for specific performance which was decreed by the trial Court. The
appeal filed by the defendant was allowed and the relief was
confined to refund of the earnest money. This order passed by the
lower Appellate Court was affirmed by the High Court.

On appeal from the order passed by the High Court, this Court, on 08.09.2017, passed the following order:

"Heard learned counsel for the parties.

We do not find any ground to interfere with the impugned order except to direct that the respondent-defendant will pay a sum of Rs.5,00,000/- (Rupees five lakh) to the petitioner-plaintiff within a period of three months from today.

If the said amount is not paid, the decree granted by the trial Court will stand undisturbed.

The special leave petition is, accordingly, disposed of.

Pending application(s), if any, shall also stand disposed of."

It appears from the record that the original defendant took out a Demand Draft of Rs.5 lakhs and sent it to the plaintiff. However, the plaintiff refused to encash the demand draft. It is in these circumstances that the present application has been filed by the original-defendant seeking directions.

We have heard learned counsel appearing for both the parties.

It is clear that the original plaintiff has refused to accept the money tendered by the defendant. He has chosen not to encash the demand draft.

In the circumstances, we direct that the defendant shall deposit the sum of Rs.5 lakhs in the trial Court. Deposit of such money shall be taken as due compliance of our order dated 08.09.2017. Let the money be deposited within a period of ten days from today. Upon deposit, the original plaintiff will be at liberty to withdraw the money so deposited.

M.A. stands disposed of accordingly.

**(MUKESH KUMAR)
COURT MASTER**

**(SAROJ KUMARI GAUR)
BRANCH OFFICER**