

ITEM NO.10 Court 9 (Video Conferencing)

SECTION XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4669/2021

(Arising out of impugned final judgment and order dated 03-03-2021 in CRP No. 133/2021 passed by the High Court of Judicature At Madras)

GOVINDAMMAL

Petitioner(s)

VERSUS

STATE BANK OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.40585/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 4627/2021 (XII)

(FOR ADMISSION and I.R. and IA No.40225/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 18-03-2021 These petitions were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Mr. S.R. Raghunathan, Adv.
Mr. S. Santanam Swaminadhan, Adv.
Ms. Abhilasha Shrawat, Adv.
Mrs. Aarthi Rajan, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Applications for exemption from filing C/C of
the impugned judgment are allowed.

Learned counsel for the petitioner contends that he is neither a borrower nor a guarantor. The title deeds deposited with the bank were relating to the larger extent of 0.68½ acres (68 cents)(Page 54-55). The petitioner is entitled to 22 cents of land in pursuance to a duly registered gift settlement deed dated 18.02.2008 (Page 39) registered on the same date.

It is the petitioner's say that she is in occupation of a residential house which is located on these 22½ cents of land and has a separate entrance.

It appears that the property was brought to auction as a whole for 68½ cents and in the proceedings for possession, the petitioner filed objections.

The subject matter in the impugned orders before us relates to the direction of pre-deposit on account of appeal having been preferred before the DRAT. In the aforesaid circumstances, we are, *prima facie*, of the view that the requirement of pre deposit cannot be burdened on the petitioner.

Issue notice.

In the meantime, the directions contained in the impugned order for pre-deposit qua the petitioner are stayed.

Needless to say that any direction qua the Collector to take possession or demolish the house is also stayed.

A copy of the notice to accompany notice.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)