

HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

APPEAL SUIT No.778 OF 1997

AND

APPEAL SUIT No.61 OF 2002

COMMON JUDGMENT:

These two Appeals are separately preferred, by the defendants, against the decree and judgment dated 23.04.1997, passed in Original Suit No.18 of 1989, on the file of the Court of Subordinate Judge, Kovvur, West Godavari District (for short, 'the trial Court') wherein the suit filed by the plaintiff for the primary relief of specific performance of agreement of sale dated 09.12.1985, or the alternative relief of refund of advance sale consideration of Rs.5,000/- with interest at 12½% thereon and damages of Rs.50,000/- totally an amount of Rs.56,897/-, is decreed, granting primary relief of specific performance.

2. For convenience of reference, the ranks given to the parties before the trial Court will be adopted throughout this common judgment.

3. The case of the plaintiff, in brief, is that the 1st defendant is the owner of the schedule property. As the 1st defendant and her husband became old and their children became inimical to them, they could not cultivate their agricultural land, wanted to convert their immovable property into cash, to utilize the same for their better peaceful living, offered to sell the schedule property to the plaintiff and the plaintiff settled the bargain at Rs.10,000/- per acre, paid an amount of Rs.5,000/- on the date of agreement towards advance, while agreeing to pay balance sale consideration on or before 15.04.1986. Though the plaintiff is ready and willing to perform his part of obligation, the 1st defendant postponed execution of registered sale deed, and put the

