

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

C.C.C.A.No.167 of 2016

Date: 23.03.2018

Between:

P.Laxma Reddy, S/o.P.Narsa Reddy,
Aged: 54 years, Occ: Advocate
and another

...

Appellants

And

P.Sridhar Reddy S/o.Pradyumna Reddy,
Aged:49 years, Occ: Business,
R/o.H.No.1-1-719, I floor,
Gandhinagar, Hyderabad
and two others

...

Respondents



Counsel for the Appellants :

Mr.P.Shiv Kumar

Counsel for the Respondents:

Mr. J.Suresh Babu for
K.Mahipathi Rao

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This appeal is filed against judgment and decree dated 18.06.2012 in O.S.No.39 of 2008 on the file of the II Additional Chief Judge, City Civil Court, Hyderabad, whereby he has partly decreed the suit, to the extent of refund of the advance money with interest @ 12% p.a. to the respondents.

2. At the hearing Mr.P.Shiv Kumar, learned counsel for the appellants, submitted that his clients are willing to settle the dispute by paying 8% interest, instead of 12% awarded by the lower Court. Mr.J.Suresh Babu, learned counsel representing Mr.K.Mahipathi Rao, learned counsel for the respondents, however submitted that his clients are willing to settle the dispute if the appellants pay 9% interest instead of 8% as offered by them. In our opinion, as the appellants' offer is only 1% less than the interest being claimed by the respondents, in the facts and circumstances of the case, the offer made by the appellants is fair and reasonable.

3. Accordingly, we hold that the appellants are liable to pay 8% interest on the advance sale consideration paid by the respondent No.1. The appellant agreed to refund the advance amount within four weeks and the interest amount in the next four weeks. As regards costs, as the lower court has declined to grant relief of specific performance of agreement of sale, in our opinion, it is not

justified in imposing costs. Accordingly, the decree to the extent of costs is set aside. The judgment and decree dated 18.06.2012 in O.S.No.39 of 2008 on the file of the II Additional Chief Judge, City Civil Court, Hyderabad, stand modified accordingly.

4. The appeal is accordingly, disposed of.
5. As a sequel, miscellaneous applications if any, stand disposed of as infructuous.



(C.V.Nagarjuna Reddy, J)

(D.V.S.S.Somayajulu, J)

Date: 23rd March, 2018

msb

