

KALYAN

A

v.

GORAKH

DECEMBER 13, 1995

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

B

Hyderabad Tenancy and Agricultural Land Act, 1950 :

Ss.2(c), 2(r) & 34—Agricultural land—Purchased from erstwhile landlord—Protected tenant—Claim over land sold by landlord—Purchaser in possession—Held, purchaser to deposit Rs. 10,000—Every year till disposal of suit—In the event of tenant succeeding, he would be entitled to withdraw the amount.

C

In a revision petition arising out of a suit between the appellant, the purchaser of the land in dispute from the erstwhile landlord, and the respondent, a protected tenant under the Hyderabad Tenancy and Agricultural Land Act, 1950, the High Court directed appointment of a receiver in respect of the suit land. Aggrieved, the purchaser filed the appeal.

D

Disposing of the appeal, this Court

HELD : In view of the finding of the High Court that the appellant is in possession of the land, it would be in the interest of justice that appellant continues in possession but deposits a sum of Rs. 10,000 every year from 1991 onwards till the disposal of the suit. In the event of the respondent succeeding in the suit, he would be entitled to withdraw the amount with interest accrued thereon. [660-C-D]

E

F

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 12055 of 1995.

From the Judgment and Order dated 11.3.93 of the Bombay High Court in C.R.P. No. 287 of 1993.

G

Subrat Birla and S.C. Birla for the Appellants.

B.Y. Kulkarni for the Respondent.

The following Order of the Court was delivered :

H

A Leave granted.

B Having heard the counsel on both sides, we are satisfied that there is no need to disturb the findings recorded by the High Court. However, the High Court having found the appellant in possession of the land after he had purchased the property from the erstwhile landlord of the respondent, a protected tenant under the provisions of the Hyderabad Tenancy And Agricultural Land Act, 1950; and so, needed some protection, it directed appointment of receiver. In view of the finding that the appellant is in possession, we feel that in the interest of justice, the appellant would continue in possession but should deposit a sum of Rs. 10,000 every year from the year 1991 onwards to the credit of the suit and keep depositing the same till the disposal of the suit etc. In the event of the respondent succeeding in the suit, he is entitled to withdraw the same. As soon as the appellant shall deposit the arrears as on date within a period of three months from today and before 31st January of each year, the trial court is directed to keep that amount in interest yielding deposit securities in a nationalised Bank. In the event of the respondent's succeeding, he would be entitled to withdraw the amount with interest accrued thereon. The trial court is directed to dispose of the matter as expeditiously as possible preferably within a period of six months from the date of the receipt of this order.

E The appeal is accordingly disposed of in terms of the above order.
No costs.

R.P.

Appeal disposed of.