

ITEM NO.15

COURT NO.5

SECTION XIIA

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

Petition(s) for Special Leave to Appeal (C) No(s). 35416/2014
(Arising out of impugned final judgment and order dated
11/08/2014 in SA No. 221/2005 passed by the High Court Of
Judicature At Hyderabad For The State Of Telangana And The State
Of Andhra Pradesh)

M/S RAJAYALAKSHMI MODERN RICE MILL REP. BY ITS PARTNER
VALLABHANENI VENKATARAMAYYA, VIJAYWADA Petitioner(s)

VERSUS

NALLURU NAGENDRA BABU Respondent(s)
(with appln. (s) for exemption from filing c/c of the impugned
judgment and exemption from filing O.T. and permission to file
synopsis and list of dates and permission to place addl.
documents on record and interim relief and office report)

Date : 08/01/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.
Mr. G.V.R. Choudary, Adv.
for Mr. K. Shivraj Choudhuri, AOR

For Respondent(s) Mr. M.V. Durga Prasad, Adv.
Mr. G.Ramakrishna Prasad, Adv.
Mr. Wasay Khan, Adv.

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

The solitary dispute which has been projected before us
during the course of hearing emanates from the following
observations recorded in the impugned order:

"The Report of the Commissioner makes it clear that
there are no constructions over the property
claimed by the plaintiff and that the construction
of rice mill in the property of the defendant.
Thus, the suit land remains vacant land. Though it
appears that the defendant had constructed a
compound wall therein, but it would not come in the

way of the plaintiff in executing the decree..."

In order to resolve the instant dispute which is purely factual, we consider it just and appropriate to appoint a Local Commissioner. Accordingly, Mr. C.B.N. Babu, Advocate is appointed as Local Commissioner for the purpose of demarcation of the suit property. He will visit the suit site and remain available there for demarcating the suit land from 2.2.2015 to 4.2.2015. The concerned Tahsildar, Vijawada will remain present with the revenue record along with his staff for effecting the demarcation of the suit property. Parties are directed to seek assistance from experts, as they may chose. Learned counsel for the petitioner accepts that the Report of the Local Commissioner shall be final and binding on the petitioner.

The Local Commissioner shall be paid Rs.50,000/- per date of hearing besides travel expenses and out of Court expenses. The aforesaid payment shall be made by the petitioner to the Local Commissioner in advance. The Local Commissioner is requested to submit a report in this Court within two weeks from the date of demarcation of the suit property.

List again after four weeks.

Execution proceedings shall remain stayed till further orders.

(Parveen Kr. Chawla)
Court Master

(Renuka Sadana)
Court Master