

SECTION XI A
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) No. 35416 of 2014.

WITH

PRAYER FOR INTERIM RELIEF

AND

INTERLOCUTORY APPLICATION NO. 2

(Application for permission to file additional documents)

AND

INTERLOCUTORY APPLICATION NO. 3

(Application for exemption from filing official translation)

AND

INTERLOCUTORY APPLICATION NO. 4

(Application for exemption from filing certified copy)

AND

INTERLOCUTORY APPLICATION NO. 5

(Application for permission to file lengthy list of dates and synopsis)

AND

INTERLOCUTORY APPLICATION NO. 6

(Application for permission to file additional documents)

M/S. RAJYALAKSHMI MODERN RICE MILL

REP BY ITS PARTNERS VALLABHANENI VENKATARAMAYYA

VIJAYAWADA

..Petitioner

-Versus-

NALLURU NAGENDRA BABU

..Respondent

OFFICE REPORT

The matter above-mentioned was listed before the Hon'ble Court on 8th January, 2015, when the Court was pleased to pass the following order:

“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...”

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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.”

It is submitted to the Hon'ble Court that Mr. Chava Badri Nath Babu appointed as Local Commissioner has on 12th December, 2015 submitted report in sealed cover. (Copy of said letter is enclosed herewith).

The aforesaid matter is listed before the Hon'ble Court with this office report.

Dated this, the 12th day of February, 2015.

ASSISTANT REGISTRAR

Copy to :-

1. Mr. K. Shivraj Choudhuri, Advocate
16, Lawyers Chambers
2. Mr. G. Ramakrishna Prada, Advocate
28, Supreme Enclave,
Mayur Vihar, Ph-I, New Delhi-91

ASSISTANT REGISTRAR