

PETITIONER:
KALYAN

Vs.

RESPONDENT:
GORAKH

DATE OF JUDGMENT 13/12/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1996 SCALE (1)SP1

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

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.

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