

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). 7470 OF 2011

ANIL AND SUNIL TRADERS AND ANR.

Appellant(s)

VERSUS

T.L.PRASAD AND ANR.

Respondent(s)

O R D E R

1. This Civil Appeal arises out of the judgment and order passed by the High Court of Judicature at Madras in A.S. No. 1033 of 2003 dated 09.07.2010.

2. The appellants are the defendants in a suit filed by the respondent(s) for mandatory injunction, delivery of documents and for a direction against alienating the property. The Trial Court, by its order dated 01.11.2002, decreed the suit and also directed that if the respondent/plaintiff pays the cost of construction, the defendant shall hand over possession of the flat to him. This direction is based on the sale deed executed by the respondent(s) for 215/8000 undivided share of the land comprising 10 Grounds and 2237 sq. ft. (705.12 sq. ft.).

3. The regular first appeal filed by the appellant(s) challenging the judgment and decree of the Trial Court was allowed in part and the case was remanded back to the Trial Court for ascertaining the

cost of construction prevailing in Chennai City as on 1994. This is the order challenged before us. The relevant portion of the direction is as under:

"19. In the result, the appeal is allowed in part with deletion of Clause No. 3 directing the plaintiff to deposit Rs.8,57,884/- along with interest at the rate of 9% and confirming the other clauses in the judgment and decree. The suit is remanded to the court below for ascertaining the cost of construction prevailing in Chennai City during 1994 and quantifying the cost to be paid by the plaintiff to the defendants. Both parties are directed to appear before the trial court on 06.02.2010 and they are at liberty to adduce evidence both oral and documentary to establish their respective claims."

4. Heard Mr. Raju Ramachandran, learned senior counsel appearing for the appellant and Mr. B. Adinarayana, learned senior counsel appearing for the respondents.

5. Having heard the matter in detail, we are of the opinion that the interest of both the parties will be sub-served if we direct the appellant(s) to purchase the undivided share of land under sale deed dated 06.05.1992 for an enhanced consideration of Rs. 2,50,00,000/- (Rupees Two Crores Fifty Lakhs only). This will conclude the long-standing litigation which started way back in the year 1993.

6. In view of the above, it is directed as follows;

(a) The judgment and order passed by the High Court of Judicature at Madras in A.S. No. 1033 of 2003 dated 09.07.2010 is hereby set aside,

(b) The appellant(s) shall pay to the respondent(s) an amount of Rs. 2,50,00,000/- (Rupees Two Crores Fifty Lakhs only) as a consideration for purchase of the undivided share in the suit property covered under sale deed dated 06.05.1992, and

(c) The appellant(s) shall pay the amount within a period of three months from today and upon receipt of the said amount the respondent(s) shall execute the sale deed within a period of fifteen days.

7. The amount paid by the appellant(s) to the respondent(s) shall be treated as full and final settlement of all claims that the appellant(s) and respondent(s) may have against each other.

8. If the appellant(s) does not make the payment within the time stipulated, the appeal shall stand dismissed without further reference to this Court and the respondent(s) will be entitled to seek execution of the judgment and order passed by the High Court.

9. With these directions, the Civil Appeal stands disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
AUGUST 05, 2026

ITEM NO.104

COURT NO.5

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 7470/2011

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Date : 05-08-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Appellant(s) : Mr. Raju Ramachandran, Sr. Adv.
Mr. Syed Ahmed Saud, Adv.
Mr. Raji Gururaj, Adv.
Ms. Shruti Narayan, Adv.
Ms. Nida Khan Salim, Adv.
Mr. Mohd. Parvez Dabas, Adv.
Mr. Daanish Ahmed Syed, Adv.
Mr. Uzmi Jameel Husain, Adv.
Mr. Mohd Shahib, Adv.
Mr. Saghir Khan, Adv.
Mr. Mirza Nisar Ahmed Baig, Adv.
M/s Shakil Ahmad Syed, AOR

For Respondent(s) : Mr. B Adinarayana Rao, Sr. Adv.
Mr. M. A. Chinnasamy, AOR
Mr. C Raghavendren, Adv.
Mrs. C Rubavathi, Adv.
Mr. P Raja Ram, Adv.

Ms. Jayasree Narasimhan, AOR
Mr. R.sarbeshvaran, Adv.
Mr. Siddheesh Yadav, Adv.

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

1. The Civil Appeal is disposed of in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSTT. REGISTRAR(NSH)

(Signed Order is placed on the file)