

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3918 of 2016
[Arising out of SLP(C)No.6244 of 2014]

GANGA SARAN DAS SAINI (DEAD) Appellant(s)

VERSUS

FIROZE HAIDER & ORS. Respondent(s)

W I T H

CIVIL APPEAL NO. 3919 of 2016
[Arising out of SLP(C)No.26711 of 2014]

O R D E R

1 Leave granted.

2 Respondent Nos.1 to 8 herein (hereinafter referred to as the plaintiffs) had filed Civil Suit (OS)1432 of 2013 on the original side of High Court of Delhi against Respondent Nos.9 to 12 herein (hereinafter referred to as the Defendants). The matter was referred to mediation and in the mediation proceedings, plaintiffs and defendants settled the matter. Terms of settlement were recorded in writing, which were placed before the learned Single Judge of the High Court, who passed judgment and decree dated 3rd October, 2013, in terms of the said settlement. It was also recorded that the settlement agreement shall form part of

the decree.

3 We may mention at this stage that the plaintiffs and defendants are related to each other and there were some disputes about their share-holdings in the suit land in question measuring 2808 bighas falling in Khasra No.12 to 100, 105, 119, 121, 124, 127, 129, 131, 135, 136, 139, 144 to 171" 177 to 186, 321, 327, 328, 349 to 358, 371 to 386, 388, 393, 395, 398, 399, 400, 413, 416, 419, 424, 426, 431 to 433, 444, 445, 448 to 454, 481 to 486, 495, 950 etc. in village Ali, Molarband and Badarpur earlier forming part of Tehsil Ballabgarh, Dist., Delhi now forming part of revenue Tehsil Kalkaji, New Delhi, though it was their case that suit land belongs to these plaintiffs and defendants. As per the settlement the plaintiffs and defendants have got their respective shares on the terms/premise that they are the owners of the land in question.

4 This Appeal (arising out of SLP(C) No.6244/14) is filed by one Ganga Saran Das Saini (dead), who claimed that in fact he is the owner of the entire suit premises to the exclusion of everyone else. It is further alleged that the suit filed by the plaintiff against the defendants was a collusive suit and a decree is obtained at the back of the appellant in respect of the land which belongs to the appellant herein.

5 It is pertinent to note that IA 5 of 2014 is filed by Zaigham Hussain and others of the entire land in which those applicants claim themselves to be the real owners of the

suit land.

6 Civil Appeal (arising out of SLP(C)No.26711/2014) is filed by Bijender Singh and others wherein these appellants claim that they are the actual owners of the land in question.

7 We may also note that Shoyab Haider and few others had also filed SLP in which they claimed that they are the owners of the suit land. Though the said SLP was dismissed as withdrawn giving permission to those appellants to initiate appropriate proceedings before the competent civil court.

8 The purpose of recording the aforesaid narration is to highlight that ownership in respect of the same suit land is claimed by so many parties. In view thereof, it is agreed by all the parties concerned that issue of ownership needs to be decided and they are agreeable that the same be decided in the suit filed by the plaintiffs in the High Court in which impugned decree is passed. It is also agreed that those parties who are not plaintiffs or defendants in the suit shall be permitted to file appropriate applications in the same suit within four weeks, for setting aside of a decree and also for impleadment as defendants. The plaintiffs shall have no objection for their impleadment as defendants. It is further agreed between the parties that in those very proceedings it will be decided as to who is the actual and real owner(s) of the suit land. It is made clear that if it is ultimately found that the original

plaintiffs and defendants were the owners, the settlement which was recorded in the mediation proceedings will remain binding qua them.

9 The interim order(s) passed by this Court shall remain in operation till the disposal of the suit by the trial court. The trial court shall proceed with the matter without being influenced by the said interim order.

10 The applications for impleadment and substitution are allowed. The Civil Appeals are disposed of in the terms stated in the earlier paragraphs. We request the trial court to dispose of the suit as expeditiously as possible. No costs.

.....J.
[A.K. SIKRI]

.....J.
[R.K. AGRAWAL]

NEW DELHI
APRIL 11, 2016.

ITEM NO.49

COURT NO.11

SECTION XIV

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). 6244/2014

(Arising out of impugned final judgment and order dated 03/10/2013 in CSOS No. 1432/2013 passed by the High Court Of Delhi At New Delhi)

GANGA SARAN DAS SAINI (DEAD)

Petitioner(s)

VERSUS

FIROZE HAIDER & ORS.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and impleadment and urging addl. grounds and interim relief and office report)
(for final disposal)

WITH

SLP(C) No. 26711/2014

(With APPLN.(S)for amendment and pleading and exemption from filing O.T.and Office Report)
(for final disposal)

Date : 11/04/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr.Chandra Shekhar, Adv.
In SLP 6244/15 Ms. Mrinmay Bhattmewara, Adv.
Mr. Sanjay Kumar Tyagi,AOR

Ms. Sandhya Goswami,AOR.

In SLP 26711/14 Mr. K.Parameshwar,Adv.
Mr. Lagnesh Mishra, Adv.
Mrs. Sarita Mishra, Adv.
Mr. Parikshit Angadi,Adv.
Mr. V. N. Raghupathy,AOR.

For Respondent(s) Mr.P.H. Parekh, Sr.Adv.
In IAs 4,5&6 in Mr. Rohit Pandey, Adv.
SLP 6244/14 Mr. Ardhendu Mauli Prasad, Adv.
/Applicants Mr. Sarthak Chaturvedi, Adv.
Ms. Shashi Kiran,AOR

in SLP 6244/14 Mr. Sanjeev Sindhvani, Sr.Adv.
Mr. Mohit Paul, Adv.

Mr. Avinash Sharma,AOR.

for R1to8 in
SLP 26711/14

Mr. Ashish Mohan, Adv.
Ms. Geetanjali Mohan,AOR

Mr. Aftab Ali Khan,AOR.

In IA 4&5
in SLP 6244/14

Mr. Rajiv Talwar,AOR

Mr. Sanjay Kumar Tyagi,AOR

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

Leave granted.

The Civil Appeals are disposed of in terms of the signed order. We request the trial court to dispose of the suit as expeditiously as possible. No costs. The interim order(s) passed by this Court shall remain in operation till the disposal of the suit by the trial court. The trial court shall proceed with the matter without being influenced by the said interim order.

The applications for impleadment and substitution are allowed.

(SHEETAL DHINGRA)
AR-cum-PS

(TAPAN KR.CHAKRABORTY)
COURT MASTER

[Signed order is placed on the file]