

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

Petition(s) for Special Leave to Appeal (Civil) No(s).11644/2012
(From the judgment and order dated 21/09/2011 in CRP No.1263/2011 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SALWINDER SINGH Petitioner(s)

VERSUS

ALIGIBATT & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 03/02/2014 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s) Mr. Satya Mitra Garg, AOR.
Mrs. Manju Aggarwal, Adv.

For Respondent(s) Mr. A. Tewari, Adv.
Ms. Eliza Bar, Adv.
Mr. Shree Pal Singh, AOR.
Ms. Utsav Sidhu, Adv.

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

Leave granted.
The appeal is disposed of in terms of the signed order. No
costs.

| (VINOD LAKHINA) | | (INDU BALA KAPUR) |
| COURT MASTER | | COURT MASTER |

(SIGNED ORDER IS PLACED ON THE FILE)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1828 OF 2014
[Arising out of Special Leave Petition (Civil) No.11644 of 2012]

SALWINDER SINGH ...APPELLANT

VERSUS

ALIGIBATT & ORS. ...RESPONDENTS

ORDER

Leave granted.

Initially the appellant had entered into an agreement for sale dated 8th October, 2001 with respondent No.1 and his mother Jeemat, now deceased, for sale of land measuring 13 Kanal 4 marlas, which is 264/1348 share in total land admeasuring 67 kanal 8 marlas comprised in Khewat No.255 Khatoni No.365, 366, Rect. No.13, Kila No.19 (8-0), 20(8-0), 21(2-2), 22(6-8), Rect. No.14, Kila No.15/2(3-2), 16(7-13), 18/2 (0-9), 24/2 (2-16), 25(4-4), Rect. No.24 Kila No.2/2 (0-1), 24/1 (5-4), 23/1(6-16), 5(4-3), 25/1(2-11), 2(5-19), Rect. No.14 Kila No.23/1(6-6), 24/1(5-4), vide Jamabandi for the year 1998-99 situated in village Kiri Afgana H.B. No.571, Tehsil and Distt. Gurdaspur (Punjab) at the rate of Rs.90,000/- per acre. Since the total area of the land was 67 kanal 8 marlas, the total consideration came to Rs.1,48,500/-.

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The appellant paid an amount of Rs.90,000/- to the respondent No.1 at the time of the agreement. However, since the respondents failed to execute the sale deed, the appellant filed a civil suit seeking specific performance of the aforesaid agreement. The trial Court by a judgment and order dated 11th June, 2010 decreed the suit of the appellant - plaintiff in the following terms:

"9. In view of my findings on the issues above, the suit of the plaintiff is decreed with costs for a primary relief of recovery of an amount of rupees 74,000/- along with interest at the rate of one percent per month with effect from 8.10.2001 till the realization of the whole amount. However, if the defendants fail to satisfy the money decree by deposit of the amount in the court within a period of three months from the date of judgment the plaintiff shall be entitled to deposit the balance sale consideration within one months thereafter and to get the specific performance of the agreement to sell dated 8.10.2001. The decree sheet to be prepared accordingly and the file be consigned to record room."

The respondents failed to deposit the decretal amount within the stipulated period. The appellant, on the default being committed by the

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respondents, deposited the balance consideration amount in the trial Court. Thereafter, the respondents made an application before the trial Court seeking extension of time for making the deposit of the decretal amount. This prayer was rejected by the trial Court by his order dated 11th December, 2010. Consequently, the respondents challenged the order of the trial

Court dated 11th December, 2010 by way of Civil Revision Petition No.1263 of 2011 in the High Court.

In the aforesaid Civil Revision Petition, the High Court by way of interim order dated 23rd February, 2011 permitted the respondents to deposit the decretal amount with interest. In compliance of the aforesaid order, the respondents deposited Rs.1,65,410/- with the Registry of the High Court on 16th March, 2011. The amount having been so deposited, the High Court set aside the order passed by the trial Court on 11th December, 2010.

The appellant has challenged the aforesaid order of the High Court dated 21st September, 2011.

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On 2nd April, 2012, this Court issued notice. Subsequently, after hearing the learned counsel for the parties, we were of the opinion that this matter needs to be amicably settled in this Court only, as the respondents were claiming that the land had actually been further sold to some third party. Therefore, in order to avoid further litigation between the respondents and the alleged third party or the appellant, we had called the parties to be present in Court in person.

Learned counsel for the appellant, on instructions from his client, has submitted that the total value of the land, at present, would be in the range of Rs.2,50,000/- per acre. Therefore, to compensate the appellant and to fully satisfy the decree granted by the trial Court, the respondents are prepared to pay a further sum of Rs.1 lakh (Rupees One lakh) in addition to the amount already deposited. We are of the considered opinion that the offer made by the respondents is reasonable. We, therefore, enquired from the appellant, who is present in Court in person. He has made a statement that he would be satisfied with the decision rendered by this Court.

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Taking into consideration all the facts and circumstance of the case, we direct that the respondents shall deposit a further sum of Rs.1 lakh (Rupees One lakh) in addition to the amount already deposited. The amount shall be deposited within a period of four weeks from today with the Registry of the High Court. Upon the amount being so deposited, the appellant shall be at liberty to withdraw the entire amount i.e. the amount earlier deposited along with the accrued interest together with the amount now to be deposited.

With these observations, the decree of the trial Court is modified accordingly.

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

.....,J.
(SURINDER SINGH NIJJAR)

.....,J.
(A.K. SIKRI)

NEW DELHI
FEBRUARY 03, 2014