

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL Nos.1305-1307 OF 2009

M/S. GIRIRAJ DEVELOPERS (A REGISTERED PARTNERSHIP FIRM)
THROUGH ITS PARTNER SHRI NARANDAS RUGHNATH MASHRU ... APPELLANT

Versus

SHRI BAJRANGLAL JUHARMAL AGARWAL (DECEASED) THROUGH
HIS LEGAL HEIRS & ORS. ... RESPONDENTS

O R D E R

The instant appeals, by way of special leave, are directed against the common judgment and order dated 21.04.2008 passed by the High Court of Gujarat at Ahmedabad in S.C.A.Nos.1137 to 1139 of 2008 whereby the High Court dismissed the petitions filed by the appellant and the respondent-Trust.

Having heard Mr.Ranjit Kumar, learned senior counsel appearing on behalf of the appellant and Mr.Neeraj Kishan Kaul, learned senior counsel appearing on behalf of respondent No.2 - Trust at length and perusing the material placed before us, we think it appropriate to dispose of these appeals with the following directions:

(i) Admittedly, the appellant-company had deposited a sum of Rs.2,26,85,000/- (Rupees two crores, twenty six lakhs, eighty five thousand only) on 21.09.2006 pursuant to acceptance of appellant's offer by the Trust, but on account of various reasons, the deal

could not be materialised. To put a quietus to the entire litigation, we direct the respondent-Trust to refund the said principal amount to the appellant-company with 13% simple interest from the date of deposit till the date of actual payment within a period of eight weeks from today.

(ii) The respondent-Trust is further directed to file an undertaking before this Court within a period of four weeks from today stating therein that they will not sale the property, which is the subject matter of litigation, for a period of five years.

With the aforesaid directions, the appeals stand disposed of.

.....J.
(N.V.RAMANA)

.....J.
(MOHAN M.SHANTANAGODAR)

.....J.
(AJAY RASTOGI)

NEW DELHI;
AUGUST 21, 2019.

ITEM NO.107

COURT NO.3

SECTION III

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

Civil Appeal No(s).1305-1307/2009

M/S. GIRIRAJ DEVELOPERS (A REGISTERED PARTNERSHIP FIRM)
THROUGH ITS PARTNER SHRI NARANDAS RUGHNATH MASHRU Appellant(s)

VERSUS

SHRI BAJRANGLAL JUHARMAL AGARWAL (DECEASED) THROUGH
HIS LEGAL HEIRS & ORS. Respondent(s)

WITH

C.A. No.1304/2009 (III)

Date : 21-08-2019 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s) Mr.Ranjit Kumar, Sr.Adv.
In C.A.1305-07/09 Mr.N.Ganpathy, Sr.Adv.
Mr.Tushar M.Gokani, Adv.
Ms. Indra Sawhney, AOR

In C.A.1304/09 Mr.K.G.Bhagat, Adv.
Ms.Archna Midha, Adv.
Mr. Vineet Bhagat, AOR

For Respondent(s) Mr.Neeraj Kishan Kaul, Sr.Adv.
For R.No.2 Mr.Sanjay Kapur, AOR
Ms.Megha Karnwal, Adv.
Mr.Devendra Chauhan, Adv.
Mr.Harshal Narayan, Adv.

In C.A.1305-07/09 Mr.K.G.Bhagat, Adv.
Ms.Archna Midha, Adv.
Mr.Vineet Bhagat, AOR

Mr. Debasis Misra, AOR

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

C.A.Nos.1305-1307/2009

The appeals stand disposed of in terms of the signed order.

CIVIL APPEAL No.1304 OF 2009

Heard Ms.Archna Midha, learned counsel appearing on behalf of the appellant and Mr.Sanjay Kapur, learned counsel appearing on behalf of the respondent.

To dispose of the instant appeal finally, we direct learned counsel for the respondent to furnish the following information:

- (I) The activities of the Trust;
- (ii) The source of income of the Trust;
- (iii) The details of the properties sold by the Trust in the last 50 years;
- (iv) How the Trust has spent the money which it got from the sale consideration to be showed/accompanied by Audit Accounts/ Reports.

The above-mentioned details shall be furnished to this Court within eight weeks from today.

List the case after eight weeks.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order in C.A.Nos.1305-1307/2009 is placed on the file)