

ITEM NO.20

COURT NO.7

SECTION IV

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

Miscellaneous Application No.1419/2026 in C.A. No. 14761/2025

DANESH SINGH & ORS.

Petitioner(s)

VERSUS

HAR PYARI (DEAD) THROUGH LRS & ORS.

Respondent(s)

(FOR ADMISSION)

(IA No. 75287/2026 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 04-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) : Mr. Lakshmi Raman Singh, AOR

For Respondent(s) :

Mr. Aftab Ali Khan, Adv.

Mr. Rashid Khan, Adv.

Mr. Gp. Capt. Karan Singh Bhati, AOR

Mr. Vipin Kumar Jai, AOR

Mrs. Gurinder Jai, Adv.

Ms. Sanjna Dua, Adv.

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

1. The operative part of our Judgment and Order dated 15th December 2025 reads as under:-

"260. Before we close the present matter, we consider it apposite to point out that the peculiarity of the facts and circumstances of this case has not escaped our attention. We have given a considerable amount of thought and we believe that we should put all the disputes between the parties herein to rest, once and for all. We seriously considered whether we could grant any other relief to the respondent nos. 1 and 2 respectively, at this stage.

261. What has predominantly weighed with us is that the sale deeds in favour of the respondent nos. 1 and 2 respectively were executed by their vendor in the year 1985. We are now in the year 2025. More than 40 years have passed by. It would be a long and taxing battle for respondent nos. 1 and 2 respectively to recover

the sale consideration paid by them to the respondent no. 3.

262. We have taken note of the fact that the original vendor i.e. respondent no. 3 before us, was one of the judgment-debtors. We are also cognizant of the fact that appellants-auction purchasers before us are none other than the nephews of the original vendor i.e., respondent no. 3. Amongst assigning several other reasons, we have already indicated that the factum of such a relationship between the auction-purchasers and judgment-debtor(s) could not have been raised as a ground to make the separate suit instituted by the respondent nos. 1 and 2 respectively, maintainable. All such allegations may constitute material irregularity or fraud in publishing or conducting the sale, which would instead fall within the purview of Rule 90 of Order XXI CPC and such an application has to be made in a timely manner before the executing court. However, in the course of assessing whether we could direct the payment of any amount from the respondent no.3-vendor, the counsel for the appellants-auction purchasers fairly conceded that since his clients are the nephews of the vendor, they would be willing to pay a fair amount to the respondent nos. 1 and 2 respectively.

263. In such circumstances referred to above, we do not wish to subject the respondent nos. 1 and 2 respectively to a fresh yet arduous round of litigation for the limited relief of recovery of money from the original vendor i.e., respondent no.3.

264. In the peculiar facts and circumstances of the present case and with a view to do substantial justice, we direct that the appellants pay a sum of Rs. 75,00,000/- to the respondent nos. 1 and 2 respectively, within a period of 6 months from the date of this judgment. The

265. In the event of any default by the appellants herein in compliance with the aforesaid directions, the respondent nos respectively, would be at liberty to move to this Court."

2. The original appellants are before us with the present application. It is brought to our notice that Respondent Nos.1 and 2 respectively have passed away. There are in all 12 legal heirs.

3. The short point for our consideration is how do we distribute the amount of Rs.75,00,000/- (Rupees Seventy Five Lakh only) to the 12 legal heirs.

4. The appellants before us shall deposit the amount of Rs.75,00,000/- with the Registry of this Court within a period of two weeks from today. Once the amount is deposited by the applicants, the Registry shall invest the same in an interest-earning Fixed Deposit Receipt initially for a period of six months

in any Nationalized Bank, which fetches maximum rate of interest with auto-renewal basis.

5. Once the amount is deposited, we shall see to it how this amount should be distributed among the legal heirs.

6. Issue notice to all the legal heirs, who are already on record, returnable on 25-5-2026.

7. On the next date of hearing, all the legal heirs shall personally remain present before this Court.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)