

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3553 OF 2006

DLF Universal Ltd.

Appellant(s)

Versus

Col. A. Prabhakar (D) Thr. Lrs.
and Others

Respondent(s)

W I T H

CIVIL APPEAL NO.5739-5740 OF 2008

CIVIL APPEAL NO.5741-5742 OF 2008

O R D E R

C.A. Nos.5739-5740 of 2008

In course of hearing of these appeals on the earlier occasion, the matter was sent for mediation to the Mediation Centre of the Supreme Court of India. In course of mediation, a settlement agreement has been arrived at between the parties. The terms of settlement recorded on 25th February, 2016, read as follows:

"Whereas disputes were raised by the Respondent in the captioned appeal, Brig. (Retd.) Kamal Sood, in relation to Apartment No.W-112, DLF Regency Park, DLF Qutab enclave, Phase-IV, Gurgaon, allotted to him by the Appellant-DLF. The disputes were raised by Brig. (Retd.) Kamal Sood after the possession of the said apartment had been handed over to him by DLF, and the sale deed in relation thereto executed in his favour by DLF. The disputes culminated in the judgement of the National Commission dated 20.4.2007, which judgement has been challenged by the appellant-DLF in the present appeal. The

direction for refund under the said impugned judgement of the National Commission was stayed by the Hon'ble Supreme Court vide its interim order dated 2.11.2007.

2. Whereas Brig.(Retd.) Kamal Sood confirms that he continues to be the owner in possession of aforesaid Apartment as of date. He further confirms that in relation to the said apartment, the rights under the impugned order exclusively vest in him till date.

3. Whereas in order to settle the disputes and bring an end to the litigation, the parties, have amicably, voluntarily and without any force, coercion or undue influence entered into the present settlement. The parties understand that this settlement is predicated only because of the peculiar facts and circumstances of the present dispute and is without prejudice to the submissions of DLF challenging the impugned judgement of the National Commission dated 20.4.2007.

4. As per the settlement, a lumpsum amount has been paid today during the mediation proceedings and in presence of the Ld. Mediator, by the authorized representative of DLF, Ms. Poonam Madan, to the sole respondent, Brig. (Retd.) Kamal Sood. The lumpsum amount has been paid vide cheque No.175685 dated 19.2.2016, drawn on ICICI Bank.

5. The parties to the settlement clarify that the said lumpsum settlement is not on the basis of any findings in the impugned order of the National Commission and is made without prejudice to the contention of DLF that the impugned order of the National Commission is untenable and no amount whatsoever is payable thereunder.

6. Brig.(Retd.) Kamal Sood specifically undertakes not to disclose the lumpsum amount to any third party, as this settlement would not be treated as a precedent.

7. Brig.(Retd.) Kamal Sood confirms that he has no claim against DLF, on any account whatsoever (including the impugned judgement of the National Commission), in relation to his aforesaid Apartment No.W-112, DLF Regency Park, DLF Qutab enclave, Phase-IV, Gurgaon.

8. The settlement offered by DLF is as a gesture of goodwill and in the spirit of settling long pending disputes with an individual allottee, on the understanding that since the matter is being settled without adjudicating the correctness of the impugned order of the National Commission, while disposing of the appeal in terms of the present settlement the Hon'ble Supreme Court may be pleased to clarify that the present settlement, as well as the said impugned order of the National Commission, would not be treated as a precedent to be followed in any other case. A prayer to this effect is accordingly made to the Hon'ble Court by all the parties hereto."

The aforesaid settlement shall be treated as an order of this Court. The aforesaid settlement shall form part of the record.

Resultantly, the controversy relating to the appellant and the sole respondent put to rest and the matter stands closed.

I.A. No.10 of 2015 in Civil Appeal No.3553 of 2006

This is an application for disposal of the appeal against the respondent No.10, Brig. Madan Singh in view of the settlement.

As submitted by the learned counsel for the appellant, they have entered into a settlement with the respondent No.10, Brig. Madan Singh and that form the subject matter of I.A. No.10 of 2015. We accept the said settlement.

The interlocutory application stands allowed.

C.A. No.3553 of 2006

After the matter was sent for mediation, a settlement agreement has been arrived at between the appellant and the respondents, namely, the legal heirs of late Col. A. Prabhakar, respondent No.1, Mr. Ramesh Kaul, respondent No.2, Mr. J.J. Bhagat, respondent No.5, Mr. Anup Chanda, respondent No.11, Ms. Neelam Rellin, respondent No.3 and Mr. M.L. Sopori, respondent No.15. The settlement agreement has already been brought on record. The settlement shall be treated as an order of this Court.

In view of the aforesaid settlement, the controversy relating to the appellant and the aforesaid respondents put to rest and the matter stands closed.

C.A. Nos.5741-5742 of 2008

After the matter was sent for mediation, a settlement agreement has been arrived at between the appellant and the respondents, namely, Brig. Madan Singh, respondent No.1, legal heirs of late Col. A. Prabhakar, respondent No.3, Mr. Ramesh Kaul, respondent No.6, Mr. J.J. Bhagat, respondent No.2, Mr. Anup Chanda, respondent No.5, Mr. M.L. Sopori, respondent No.13, Mr. Neelam Tejpal, respondent No.12. The settlement agreement has already been brought on record. The settlement shall be treated as an order of this Court.

In view of the aforesaid settlement, the controversy relating to the appellant and the aforesaid respondents put to rest and the matter stands closed.

In view of the aforesaid settlements, the appeals stand disposed of qua the respondents with whom the settlement agreement has taken place.

Learned counsel for the appellant would submit that he would approach the other respondents in the civil appeals who have not entered appearance through the counsel or who have not appeared before this Court and try to have a settlement with them. For the said purpose, he prays for ten weeks' time. Prayer stands allowed.

List the matter on 24th April, 2017.

.....J.
(Dipak Misra)

.....J.
(R. Banumathi)

New Delhi;
January 17, 2017.

ITEM NO.101

COURT NO.2

SECTION XVII

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.3553/2006

DLF UNIVERSAL LTD.

Appellant(s)

VERSUS

COL. A. PRABHAKAR (D) THROUGH LRS. & ORS.

Respondent(s)

WITH C.A. Nos.5739-5740/2008

C.A. Nos.5741-5742/2008

(With appln.(s) for may refer to remarks and appln.(s) for restoration and appln.(s) for setting aside an abatement and appln.(s) for c/delay in filing appl. for bringing lrs on record and appln.(s) for bringing on record the lrs. of deceased respondent and)

Date : 17/01/2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s) Mr. Ravinder Narain, Adv.
Mr. Pravin Bahadur, Adv.
Ms. Kanika Gomber, Adv.
Mr. Kishan Rawat, Adv.
Mr. Rajan Narain, AOR

For Respondent(s) Mr. Gagan Gupta, AOR

Mrs. Priya Puri, AOR
Mr. Ranjay Kr. Dubey, Adv.

Ms. Arti Singh, AOR

Ms. Sumita Hazarika, AOR

Ms. Aishwarya Bhati, AOR
Mr. Jai Deep Singh, Adv.
Mr. T. Gopal, Adv.

Mr. Adarsh Kr. Tiwari, Adv.
Mr. Dinesh Kumar, Adv.
Mr. Dillip Kr. Nayak, Adv.

Mr. Senthil Jagadeesan, AOR

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

The interlocutory applications stands disposed of.

The appeals stand disposed of qua the respondent with whom the settlement agreement has taken place in terms of the signed order.

List the matter on 24th April, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)