

ITEM NO.43

COURT NO.4

SECTION XV

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).15407/2011
(From the judgement and order dated 10/05/2011 in SBCFA No.
259/2011 in CMSA No. 1292/2011 of The HIGH COURT OF JUDICATURE
FOR RAJASTHAN AT JAIPUR)

RAJNEESH AGARWAL

Petitioner(s)

VERSUS

M/S S.G.BUILDERS & DEVELOPERS & ANR Respondent(s)
(With appln(s) for exemption from filing O.T. and prayer for
interim relief)

Date: 30/05/2011

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
[VACATION BENCH]

For Petitioner(s)

Ms. Shobha, Adv.
Ms. Ridhima Garg, Adv.

For Respondent(s)

Mr. Sushil Kumar Jain, Adv.
Mr. Shailesh Prakash Sharma, Adv.
Mr. Saghir Ahmed, Adv.
Ms. Sumita Hazarika, Adv.

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

Issue notice.

Mr. Sushil Kumar Jain has appeared on caveat
on behalf of the respondents.

We have heard learned counsel for the parties
on the merits of the case.

Leave granted.

The appeal is disposed of in terms of the
signed order.

CA No. of 2011 @ SLP(C) No.15407 of 2011

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Issue notice.

Mr. Sushil Kumar Jain has appeared on caveat
on behalf of the respondents.

We have heard learned counsel for the parties
on the merits of the case.

Leave granted.

(KALYANI GUPTA)
COURT MASTER

(PHOOLAN WATI ARORA)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4849 OF 2011

RAJNEESH AGARWAL

.... APPELLANT

VERSUS

M/S S.G. BUILODERS & DEVELOPERS & ANR.

RESPONDENTS

O R D E R

Issue notice.

Mr. Sushil Kumar Jain, who has appeared on caveat on behalf of the respondents, accepts notice.

Learned counsel for the parties agree that the matter may be finally disposed of at this stage.

Leave granted.

CA No. of 2011 @ SLP(C) No.15407 of 2011

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This appeal is directed against order dated 10.05.2011 passed by the learned Single Judge of the Rajasthan High Court in Single Bench Civil Miscellaneous Stay Application No. 1292 of 2011 in Single Bench Civil First Appeal No. 259 of 2011 whereby he directed the parties to maintain status quo in respect of the property in dispute.

The suit for declaration and permanent injunction filed by the respondents in respect of the property i.e. plot no. 48, situated at Sahar Moti Dungri Road, Gangwal Park, Jaipur was dismissed by the trial court vide judgment dated 18.4.2011.

The first appeal filed by the respondents was admitted and the miscellaneous application filed by them for interim relief was disposed of by the learned Single Judge in the following terms:

"Heard learned counsel for the parties

on stay application and after considering their submissions it is directed that parties shall maintain status-quo in respect of property in dispute about possession as well as alienation during pendency of the appeal.

Stay application stands disposed off."

We have heard learned counsel for the parties and perused the record.

Ordinarily, this Court is loath to interfere with an interlocutory order passed by the High Court but of 2011 @ SLP(C) No.15407 of 2011

CA No.

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keeping in view the fact that the order of status quo passed in this case will adversely affect the interest of both the parties, inasmuch as, the constructed property will decay during the pendency of the appeal, we deem it proper to set aside the impugned order and issue the following directions:

(i) Within a period of four weeks from today, the appellant shall deposit a sum of `75 lakhs (Rupees Seventy Five lakhs) in the Registry of the Rajasthan High Court, Jaipur Bench.

(ii) The amount deposited by the appellant shall be invested in Fixed Deposit for a period of one year in the first instance.

(iii) The appellant shall be free to alienate the constructed property subject to the condition that he shall maintain complete account of each and every alienation and submit the same before the High Court within four weeks from the alienation and supply a copy thereof to the respondents.

(iv) The parties are directed to appear before the Mediation Centre attached to the Rajasthan High Court, Jaipur Bench on 27.05.2011, to explore the possibility of negotiate settlement.

(v) If the parties are able to amicably resolve

their dispute, either of them may apply to the High Court for disposal of the appeal in terms of the settlement.

The appeal is disposed of in the manner indicated above.

.....J
[G.S. SINGHVI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
MAY 30, 2011.