

ITEM NO.51

COURT NO.3

SECTION XIV

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).28043/2011
(From the judgment and order dated 11/08/2011 in WP No.1068/2011
of The HIGH COURT OF DELHI AT NEW DELHI)

DELHI APARTMENTS COOP GR.HNG.ST.LTD.

Petitioner(s)

VERSUS

PRAVEEN KADIAN & ORS.

Respondent(s)

(With application for directions, permission to place additional
documents on record, prayer for interim relief and office
report)

Date: 02/03/2012

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)

Mr. M.N. Krishnamani, Sr. Adv.
Mr. Jitendra Mohan Sharma, Adv.
Mr. Ajeet Sharma, Adv.
Mr. Nitin Singh, Adv.
Ms. Deepali Surana, Adv.

For Respondent(s)

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Arvind Kumar Gupta, Adv.
Mr. Rahul Mangla, Adv.
Mr. B.D. Singh, Adv.

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

Leave granted.

Heard the learned counsel for the parties.

The appeal stands disposed of in terms of the

signed order.

CA NO. of 2012 @ SLP(C) 28043 of 2011

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[KALYANI GUPTA]
COURT MASTER

[INDU SATIJA]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2855 OF 2012
[ARISING OUT OF S.L.P.(C) NO. 28043 OF 2011]

DELHI APARTMENTS COOP GR. HNG. ST. LTD.....

PETITIONER

VERSUS

PRAVEEN KADIAN & ORS.

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RESPONDENTS

O R D E R

1. Leave granted.
2. Heard the learned counsel for the parties.
3. Initially the late father of the respondents herein had booked a flat of Unit Plan Type 'A' flat consisting of four bedrooms with the Delhi Apartments Cooperative Group Housing Society Limited. Original allottee expired on 18th July, 2007 and the legal representatives of the deceased original allottee could not be brought on record within a period of one year in compliance of Section 41 of the Delhi Cooperative Societies Act, 2003.
4. Learned Senior Counsel appearing for the appellant-Society submits that the society has no type 'A' flat in their possession now and with the change of CA NO. of 2012 @ SLP(C) 28043 of 2011
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circumstances they have with them one flat under Unit Plan Type 'B' consisting of three bedrooms and appellant-Society is prepared to give possession of that flat to the respondents and also undertake to pay 2 lakhs as compensation as the flat now offered is a Type 'B' flat.
5. We direct the appellant-Society to pay this amount of Rs. 2 lakhs and the possession of the flat be given to the respondents within a period of four weeks from today. It is further made clear that all

be necessary formalities including mutation shall
completed within the aforesaid period of six weeks.

6. In case, the above direction is not complied with
within the aforesaid period , liberty is granted to the
respondents to approach this Court for appropria
relief in accordance with law.

7. The impugned order stands modified to
aforesaid extent. The appeal stands disposed of in
the aforesaid terms.

.....J
[DALVEER BHANDARI]

.....J
[DIPAK MISRA]

NEW DELHI
MARCH 02, 2012.
CA NO. of 2012 @ SLP(C) 28043 of 2011