

ITEM NO.57

COURT NO.2

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 10549/2017

(Arising out of impugned final judgment and order dated 24/03/2017
in WP No. 738/2017 passed by the High Court of Bombay)

SURESH RAMAKANT PADWAL AND ORS

Petitioner(s)

VERSUS

DARSHAN DEVELOPERS AND ORS

Respondent(s)

(with appln. (s) for exemption from filing c/c of the impugned
judgment and exemption from filing O.T. and permission to file
additional documents)

Date : 01/05/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. Manoj K. Mishra, AOR
Mr. Prakash Mahadik, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Umesh Dubey, Adv.

For Respondent(s) Mr. Aman Vachher, Adv.
Mr. Yadunath Chawdhary, Adv.
Mr. Dhiraj, Adv.
Mr. Ashutosh Dubey, Adv.
Ms. Anshu Vachher, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. P.N. Puri, AOR

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

On 7.4.2017, this Court had passed an order after
obtaining concession of the parties. However, as the names
were not given by the learned counsel for the parties, the
matter was listed again.

On the other day, Mr. C.U. Singh, learned senior counsel along with Mr. Prakash Mahadik, learned counsel for the petitioners, Mr. Shekhar Naphade, learned senior counsel along with Mr. Yadunath Chawdhary, learned counsel for the respondent No.1 and Mr. Harin P. Raval, learned senior counsel along with Mr. Aman Vachher, learned counsel for the respondent No.2 appeared and agreed for the settlement.

Today learned counsel for the parties have given the names and accordingly we pass the following order.

In the course of hearing, what transpired exhibits the development of culture of settlement in the field of litigation. Mr. Suresh Ramakant Padwal, the petitioner No.1, who is an advocate by profession, appeared before us on behalf of the petitioners, when the matter was argued and submitted that the controversy can be put to rest if certain arrangements are made. Mr. Shekhar Naphade and Mr. Harin P. Raval, learned senior counsel submitted that they have no objection for settling the dispute.

Having heard the learned counsel for the parties and Mr. Suresh Ramakant Padwal, the petitioner No.1, the following directions are issued:-

- (i) Out of eleven persons, who are grieved, seven persons shall be accommodated in the same compound.
- (ii) The other four persons, namely, (i) Smt. Sulochana Mohan Deole and Shri Chandrakant Deole (legal heirs of the person who is not a party in this petition) (ii) Shri Suresh Ramakant Padwal (the petitioner No.1) (iii) Smt. Vijaya V. Loke (the petitioner No.2), and (iv) Shri Ramlakhan K. Dhuria (not a party in this petition), shall be accommodated beyond the compound area and they shall be given Rs.3,00,000/-

(Rupees three lakhs only) each on the date they vacate the premises in question.

- (iii) The petitioners shall vacate the premises by 31st May, 2017, and the amount of Rs.3,00,000/-, as directed herein-above, shall be paid on that day by way of bank draft or banker's cheque. Needless to say, it is one time payment by the builder to the occupants, who will be vacating the premises in question and given a transit accommodation outside the compound.
- (iv) The respondent No.1, who has entered into an agreement with the Society, accepts that the present arrangement shall be treated as a tripartite agreement between the builder, the Society and the members of the Society, which includes the eleven persons for which learned counsel for the respondents have no objection.
- (v) The eleven persons shall be given 400 square feet area as specified in the agreement and shall be extended equal treatment as to all the occupants who have already vacated the premises.
- (vi) If the petitioners do not vacate the premises in question, they shall be liable for contempt of this Court and, as a natural corollary, if the builder does not pay the amount by way of bank draft or banker's cheque by the date fixed, he shall also be liable for contempt of this Court.
- (vii) If the builder does not hand over the redeveloped permanent construction within thirty months from the date of vacation of the premises in question to the petitioners, it shall also be liable for contempt of this Court.
- (viii) The redeveloped permanent alternative accommodation

shall be given in the same compound where the petitioners are presently residing.

- (ix) If the petitioners vacate the premises by 31st May, 2017, Suit No.1780 of 2010 instituted by the builder for damages of Rs.20,00,00,000/- (Rupees twenty crores only) from the petitioners, shall be deemed to have been disposed of and all the litigation pending in respect of construction of this building or project shall also be deemed to have been disposed of.

As we have passed the present order, no other court or authority shall pass any order relating to this building.

The special leave petition is, accordingly, disposed of. There shall be no order as to costs.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master