

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.17330 OF 2013

BHUPINDER SINGH GILL & ANR.

...PETITIONER(S)

VERSUS

SWAROOPA RANI @ SUSAN CHARLES
BY GPA HOLDER KUMAR RAJA & ANR.

...RESPONDENT(S)

WITH

SPECIAL LEAVE PETITION (CIVIL) NO. 17591 of 2013

O R D E R

We do not find any infirmity in the order of the courts below in regard to the merit of the complaint so as to entertain the plea of its maintainability. Therefore, the question of law on this point is left open to be considered in an appropriate proceeding.

Insofar as, the merit of the matter is concerned, we find that the stand of the petitioners is clearly unreasonable in view of the fact that although, they had agreed to offer the plot to respondent No.2-builder to raise construction on it and sell 60% of the flats coming to his share, the petitioners thereafter have taken a U-turn on their stand to the effect that the builder could not have sold the flat to any other buyer.

Since the transaction of sale between the buyer and the builder is within 60% and not beyond 60% which has already been left to the petitioners by mutual agreement, the petitioners have no reason to object to the said sale.

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Since the petition has no substance on merit, the question of maintainability is not fit to be gone into at this belated stage before the apex court.

The special leave petitions, are, therefore dismissed.

.....J.
(GYAN SUDHA MISRA)

.....J.
(J. CHELAMESWAR)

NEW DELHI
MAY 10, 2013.

ITEM NO.31

COURT NO.13

SECTION XVII

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).17330/2013

(From the judgement and order dated 15/01/2013 in RP No.1328/2012 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

BHUPINDER SINGH GILL & ANR.

...PETITIONER(S)

VERSUS

SWAROOPA RANI @ SUSAN CHARLES
BY GPA HOLDER KUMAR RAJA & ANR.

...RESPONDENT(S)

(With appln(s) for exemption from filing c/c of the impugned Judgment, permission to file synopsis and list of dates and prayer for interim relief and office report)

WITH
SLP(C) NO. 17591 of 2013
((With appln(s) for exemption from filing c/c of the impugned Judgment, permission to file synopsis and list of dates and prayer for interim relief and office report)

Date: 10/05/2013 These Petitions were called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. G.V.R. Choudary, Adv.
For Mr. K. Shivraj Choudhuri, Adv.

For Respondent(s)

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

The special leave petitions are dismissed in terms of the signed order.

|(Neetu Khajuria)

|(Sneh Bala Mehra)

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|Sr.P.A.

|Court Master

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(Signed order is placed on the file.)