

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 9158 OF 2019
(Arising out of SLP (C)No.5148 of 2017)

HARDEEP SINGH & ANR.

Appellant(s)

VERSUS

GURBACHAN SINGH & ANR.

Respondent(s)

O R D E R

R. BANUMATHI, J.:

Leave granted.

(2) The appellants-defendants have entered into an Agreement to Sell with respect to the suit property on 26.04.1999 for a sum of Rs.5,75,000/-. An advance of Rs.1,52,000/- was paid by the respondent no.1-plaintiff. Since the appellants-plaintiffs had not executed the sale deed, respondent no.1 filed Suit NO.1652 of 2003 for specific performance of the Agreement to Sell dated 26.04.1999. By the judgment dated 22.11.2012, the Trial Court decreed the said suit. The first appeal preferred by Appellants-defendants in Civil Appeal no.34 of 2013 was came to be dismissed by the Additional District Judge. Being aggrieved, the appellants-defendants have filed the second appeal before the High Court in R.S.A. NO.2126 of 2016 which also came to be dismissed. Being aggrieved by the concurrent findings by all the three courts below, the appellants-defendants have filed this appeal.

(3) During the course of hearing the appellants-defendants have negotiated for settlement and the parties have amicably settled the matter. The parties have, in addition to the agreed sale consideration i.e. an amount of Rs.5,75,000/-, the respondent no.1-plaintiff ought to pay a further amount of Rs.12,50,000/-, as noted in the Order dated 30.09.2019 that the respondent no.1-plaintiff have paid a sum of Rs.5,00,000/- by Demand Draft No.184218 dated 21.09.2019 which was handed over to appellant no.1-Hardeep Singh in the open court.

(4) We have heard Mr. Vijay Hansaria, learned senior counsel appearing for the appellants and Mr. R.S. Suri, learned senior counsel appearing for respondent no.1 and also perused the impugned judgment and materials on record.

(5) Today i.e. 02.12.2019 when the matter has been called for hearing, the balance amount of Rs.7,50,000/- has been paid by respondent no.1 to the appellants by way of Demand Draft No.184234 dated 21.11.2019 which has been received by appellant no.1-Hardeep Singh who is present in the Court in-person.

(6) It is stated by learned senior counsel for the parties that by the proceedings of the Sale Deed has already been executed on 23.12.2015 in favour of respondent-plaintiff.

(7) Today, the appellants have handed over the original Sale Deed executed on 22.09.2004 in favour of appellant no.2-Mohan Singh by respondent no.2-Town Improvement Trust, Ludhiana, and the same has been received by respondent no.1-plaintiff.

(8) The amount of Rs.4,22,550/- deposited by respondent no.1 before the Additional Civil Judge, Ludhiana, shall be paid to

appellant No.1-Hardeep Singh along with the accrued interest, if any. Since the parties have amicably settled the matter and the fact that appellant no.1-Hardeep Singh has already received the additional amount of Rs.12,50,000/-, the appellants are directed to apply to the Town Improvement Trust, Ludhiana, for transfer of the suit property to respondent no.1-plaintiff. On such application being made, the Town Improvement Trust, Ludhiana, shall consider the same and pass appropriate orders.

(9) In view of the amicable settlement between the parties, the appeal is disposed of.

(10) The parties shall be at liberty to make a representation before the Town Improvement Trust, Ludhiana, for waiving the non-construction fine and the same shall be considered by the concerned Trust in accordance with law.

.....J.
(R. BANUMATHI)

.....J.
(A.S. BOPANNA)

NEW DELHI,
DECEMBER 2, 2019.

ITEM NO.2

COURT NO.5

SECTION IV-B

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). 5148/2017

(Arising out of impugned final judgment and order dated 06-09-2016 in RSA No. 2126/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

HARDEEP SINGH & ANR.

Petitioner(s)

VERSUS

GURBACHAN SINGH & ANR.

Respondent(s)

(IA No. 49239/2017 - EXEMPTION FROM FILING O.T.

IA No. 2/2017 - EXEMPTION FROM FILING O.T.

IA No. 49236/2017-PERM.TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEX.)

Date : 02-12-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI

HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.
Ms. Sneha Kalita, AOR

For Respondent(s) Mr. R.S. Suri, Sr. Adv.
Ms. Dipika Jain, Adv.
Mr. Abhishek Singh, AOR

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

Leave granted.

In terms of the signed order, the appeal is disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(BEENA JOLLY)
BRANCH OFFICER

(Signed order is placed on the file)