

ITEM NO.62

COURT NO.13

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). 6367/2022

(Arising out of impugned final judgment and order dated 08-03-2022 in WP No. 7115/2019 passed by the High Court Of Judicature At Bombay)

TANAJI DIGAMBAR KADAM

Petitioner(s)

VERSUS

SMT. KUNDA SHRILAL DOSHI

Respondent(s)

(IA No. 52482/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT) (IA No. 52483/2022 - EXEMPTION FROM FILING O.T.)
(IA No. 52481/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 14-08-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Sudhanshu S. Choudhari, AOR
Mr. Mahesh P. Shinde, Adv.
Ms. Rucha A. Pande, Adv.
Mr. M. Veeraragavan, Adv.

For Respondent(s) Mr. Arjun Garg, AOR
Mr. Shobhit Jain, Adv.
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.

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

Assailing the order dated 08.03.2022 passed by High Court in Writ Petition No. 7115/2019, the instant special leave petition has been preferred. On 08.04.2022, this Court issued notice subject to deposit of Rs. 20 lakhs by the petitioner with the Registry of this Court within four weeks, failing which, the petition was directed to be automatically dismissed. Subsequently, in compliance of the

aforesaid order, petitioner deposited the sum as directed and therefore, vide order dated 13.05.2022, notice was issued by this Court and parties were directed to maintain status-quo with respect to subject property in question. On 18.05.2023 when the matter was listed before this Court, time was granted to the counsel for petitioner to seek instructions regarding payment of entire sale consideration with respect to subject property.

During the course of hearing, attention of this Court has been drawn to order dated 20.05.2016 passed by Joint Civil Judge, Senior Division, Satara District, in Special Civil Suit No. 102 of 2014, and the operative portion of the said order is reproduced as thus:-

".....the Plaintiff is liable to obtain an order of executing Sale Deed of the suit property as per market price against the Defendant. If the Defendant failed for doing the same, the Plaintiff is alternatively liable to receive an amount of Rs. 4500/- per month from the date of filing of the suit till obtaining the possession. Therefore, I answered Issue No. 7 and ordered as under :-

Order

- 1) The suit is decreed with costs.*
- 2) The Defendant should purchase suit property within 60 days from the date of the present judgment in pursuance of the compromise decree passed on 27/2/2012 in Reg. Civil Suit No. 116/11 at market price prevailing when the Defendant purchase the suit property.*
- 3) If the Defendant to execute Sale Deed as mentioned above and within period, the Plaintiff has right to obtain possession of the suit property and to receive an amount of Rs. 4500/-*

per month towards damages from the date of filing of the suit till obtaining possession.
4) *Decree be drawn accordingly."*

In view of the above, as per the details of the property specified in the Judgment, this Court is inclined to know the value of the property as on 27.02.2012 (date on which compromised decree was passed between parties). This Court also deems it appropriate to know as to what is the market value of the property as on 31.07.2023. The said calculation may be made available by the Registrar/Sub-Registrar/Deputy Collector of village Laxminagar, Phaltan, which falls within the administration of District Collector-Satara.

We further direct that the market value of the property in question as on 27.02.2012 and 31.07.2023 be ascertained and be sent to this Court by the Registrar/Sub-Registrar/Deputy Collector, through the Collector of the District-Satara.

The Registry of this Court shall send a copy of Judgment dated 20.05.2016 passed in Special Civil Suit No. 102 of 2014 to Collector, District-Satara in order to get such report. Let the Report be made available within two months from today.

Re-list after two months.

The amount already deposited in the Registry of this Court shall be re-invested in a short-term Fixed Deposit on renewal basis.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER