

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

I.A. NO. 193991/2019 IN  
CIVIL APPEAL NO. 794 OF 2020  
(Arising out of SLP(C) No. 9244/2018)

MALABIKA MAITY .. APPELLANT(S)

VERSUS

M/S. TARGET CONSTRUCTION & ANR. .. RESPONDENT(S)

O R D E R

Leave granted.

1. A joint application filed by the appellant(auction-purchaser) and respondent No. 1 (decree-holder) reveals that the said parties have entered into a settlement vide settlement agreement, dated 14.12.2019.

2. Learned counsel for the afore-mentioned parties identify the signatures of their respective clients and state that the settlement has been entered into by parties at their own sweet will.

3. Learned counsel for the judgment-debtor states that judgment-debtor is not a signatory to the settlement deed. We find from the record that the *inter se* transaction between the decree-holder and the auction-purchaser (appellant-herein) has been

finalized in furtherance of the auction of property of the judgment-debtor which he has not questioned at all, nor he has participated in the proceedings thereafter. In the result, we are of the view that it is of no consequence that the judgment-debtor is not a party to this settlement.

4. Ms. Tatini Basu, learned counsel for auction-purchaser has handed over demand drafts of the Bank of India drawn in favour of M/s Target Construction (respondent No. 1 decree-holder) to learned counsel for the decree-holder in Court.

5. We, accordingly, dispose of the matter in terms of the afore-mentioned settlement agreement, dated 14.12.2019. There shall be a decree in terms of the said settlement agreement.

.....CJI.  
[ S.A. BOBDE ]

.....J.  
[ B.R. GAVAI ]

.....J.  
[ SURYA KANT ]

NEW DELHI,  
JANUARY 28, 2020.

ITEM NO.16

COURT NO.1

SECTION XVI

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

IA No. 193991/2019 IN

Petition for Special Leave to Appeal (C) No. 9244/2018

(Arising out of impugned final judgment and order dated 13-02-2018  
in FMA No. 319/2016 passed by the High Court At Calcutta)

MALABIKA MAITY

Petitioner(s)

VERSUS

M/S TARGET CONSTRUCTION &amp; ANR.

Respondent(s)

(IA No. 193991/2019 - APPLICATION FOR SETTLEMENT)

IA No. 117944/2018 - DELETING THE NAME OF RESPONDENT No. 2B from  
the array of parties)

Date : 28-01-2020 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Ms. Tatini Basu, AOR  
Mr. Kishore Mukherjee, Adv.

For Respondent(s) Mr. Amit Kumar Singh, AOR  
Mrs. K. Enatoli Sema, Adv.  
Mr. Gaurav Prakash, Adv.

Ms. Priyata Chakraborty, Adv.  
Ms. Shalini Kaul, AOR

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

IA No. 117944/2018, application for  
deleting the name of respondent No. 2B from the  
array of parties is allowed at the risk of the  
petitioner.

Leave granted.

The appeal is disposed of in terms of the  
settlement agreement dated 14.12.2019.

IA No. 193991/2019 stands disposed of.

[ CHARANJEET KAUR ]  
A.R.-CUM-P.S.

[ INDU KUMARI POKHRIYAL ]  
ASSTT. REGISTRAR

[ Signed order is placed on the file ]