

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

Criminal Appeal No(s). 898/2017

DEVVRAT JANGIR

Appellant(s)

VERSUS

SATYANARAYAN KOOLWAL

Respondent(s)

Date : 03-09-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALEFor Appellant(s) Mr. Abhishek Gupta, AOR
Mr. Rajkumar Gharwale, Adv.
Mr. Praful Shukla, Adv.For Respondent(s) Mr. Maruf Khan, Adv.
Mr. Prateek Tewari, Adv.
Mr. Mobinullah, Adv.
Mr. Deepak Gupta, Adv.
Mr. Tungesh, AORUPON hearing the counsel the Court made the following
O R D E R

Finally the sale deed has been executed by the respondent in favour of the appellant and duly registered. Today, the respondent who is present in-person sought permission to address the Court. He primarily made two submissions; One was with respect to his co-sharer complaining about the sale deed having been executed and registered and the Second that he should be suitably compensated by awarding interest on the amount of Rs. 25.5 lakhs paid to him

in September, 2023 under the orders of the High Court which was passed in April 2017. We have examined the material and we find that the second request made by the respondent appears to be fair and reasonable.

Learned counsel for the appellant submitted that the amount was not paid pursuant to the order of the High Court as there was an interim order operating in favour of the appellant, passed by this Court. That may be true but the amount of Rs. 25.5 lakhs remained with the appellant for a period of more than six years. If we calculate the simple interest @ 12% the interest amount would come to about Rs.18 to 20 lakhs. However, considering the overall facts and circumstances of the case, and in order to do complete justice between the parties, we deem it appropriate that the appellant should pay an amount of Rs. 10 lakhs to the respondent which may suitably compensate the respondent for not receiving the benefit of the High Court's order for more than six years.

Learned counsel for the appellant further submitted that the appellant would pay the said amount within three months however, the respondent may give an undertaking that he will not interfere in the possession of the appellant over the land covered by the Sale Deed.

The respondent has readily given the said undertaking that he will not create any hindrance.

Accordingly, let this matter be listed on 11th December, 2024. On the said date, the proof of payment of Rs. 10 lakhs may be filed by the appellant.

In case, the amount is not paid within the period of three months, it will carry simple interest @ 12% per annum.

(SONIA BHASIN)
COURT MASTER (SH)

(RANJANA SHAILEY)
COURT MASTER (NSH)