

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(S).2456-2458 OF 2020
(ARISING FROM SLP(C) NO(S).1946-1948/2020)**

**NEW RAJPUT CO-OPERATIVE
GROUP HOUSING SOCIETY**

APPELLANT(S)

VERSUS

**M/S PARKLAND
PROPERTIES PVT. LTD.**

RESPONDENT(S)

WITH

**CIVIL APPEAL NO(S).2459-2460 OF 2020
(ARISING FROM SLP(C) NO(S) 2840-2841/2020)**

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties and perused the relevant record.
3. By these appeals, the appellant-New Rajput Co-operative Group Housing Society (for short, "the Society") has assailed different order(s) passed by the Division Bench of the High Court in proceedings between the parties.
4. The said order(s) emanate from the suit for recovery filed by the respondent-M/s. Parkland Properties Pvt. Ltd. That suit has been treated as commercial summary suit and proceeded

accordingly, in which an order came to be passed on 16th April, 2019 granting conditional leave to defend to the appellant-Society.

5. The appellant-Society had challenged that order by way of FA0(OS)(COMM)No.167/2019 before the Division Bench, which was dismissed by one of the impugned orders dated 19.07.2019.

6. Noticeably, the appellant-Society had filed application for extension of time to deposit the amount of Rs.20,00,000/- (Rupees twenty lakhs only). The same was rejected by the Court on 7th August, 2019. However, it is an admitted position that this amount of Rs.20,00,000/- (Rupees twenty lakhs only) stands deposited in August, 2019 itself.

7. It is not necessary to elaborate the other factual aspects except to mention that the High Court treated the conditional order having become final, as a result of which final decree came to be passed in the stated suit.

8. The appellant-Society has challenged the final decree by way of RFA(OS)(COMM) No.46/2019, which is still pending before the High Court.

9. For the nature of order that we propose

to pass, we do not deem it necessary to dilate on the other aspects of the matter or elaborate upon the arguments of the parties lest any prejudice is caused to them in the pending proceedings before the High Court.

10. We dispose of these appeals in the following terms :

(i) The order dated 16th April, 2019 passed by the Single Judge of the High Court in I.A. No.11907/2016 in CS(COMM) 205/2016 shall stand revived in terms of this order;

(ii) The delay in depositing the amount referred to in the said order stands condoned. The appellant-Society shall now continue with the challenge to the order dated 16th April, 2019 by way of FA0(OS)(COMM)No.167/2019 which stands restored to the file to its original number before the Division Bench of the High Court in terms of this order. The said appeal shall be decided on its own merits in accordance with law. All contentions available to

both sides are left open.

(iii) In light of the above, the final decree passed by the High Court on the basis of conditional leave to defend order dated 16th April, 2019 shall be treated as effaced from the record and resultantly, the appeal filed by the appellant-Society against the final decree being RFA(OS)(COMM) No.46/2019 is rendered infructuous and disposed of accordingly.

11. In view of the instant order, the other orders passed by the High Court have become irrelevant and are set aside and may not be acted upon by the parties. We however, clarify that the order passed by the Bench of the High Court declining to recuse from the proceedings, as prayed by the appellant-Society, shall remain undisturbed. We make it clear that this order is no reflection, in any manner, on the proceedings pending before the High Court between the parties.

12. The High Court may pass appropriate order(s) in respect of the amount already lying deposited since August, 2019, on its own merits.

13. We request the High Court to dispose of the restored FAO(OS)(COMM) No.167/2019 expeditiously.

14. Liberty to the parties to apply for early hearing, as prayed, is granted.

15. The appeal and pending application(s), if any, shall stand disposed of in the above terms.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

....., J.
(SANJIV KHANNA)

NEW DELHI
MAY 28, 2020.

ITEM NO.24

VIRTUAL COURT NO.2

SECTION XIV

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). 1946-1948/2020

(Arising out of impugned final judgment and order dated 08-11-2019 in RFA(OS)(COMM) No. 46/2019 02-12-2019 in CM A No. 51796/2019 13-12-2019 in CM A No. 53449/2019 passed by the High Court Of Delhi At New Delhi)

NEW RAJPUT CO OPERATIVE GROUP HOUSING SOCIETY

Petitioner(s)

VERSUS

M/S PARKLAND PROPERTIES PVT. LTD.

Respondent(s)

WITH

SLP(C) No. 2840-2841/2020 (XIV)

Date : 28-05-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Harish Uppal, Adv.
Mr. Naresh Aditya Madhav, Adv.
Mr. Tileshwar Prasad, Adv.
Ms. Prerna Mehta, AOR

For Respondent(s) Mr. Shekhar Prit Jha, AOR

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

Leave granted.

The appeals and pending application(s), are
disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)