

ITEM NO.10

COURT NO.13

SECTION III

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

Special Leave Petition (C) No(s). 9567/2020

[Arising out of impugned final judgment and order dated 04-02-2020 in CRA No. 425/2017 passed by the High Court of Gujarat at Ahmedabad]

AGRICULTURE PRODUCE MARKET COMMITTEE BAVLA

Petitioner(s)

VERSUS

SAVITABEN RANCHHODBHAI PATEL & ORS.

Respondent(s)

IA No. 77159/2020 - EXEMPTION FROM FILING O.T.

IA No. 77160/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES

WITH

SLP(C) No. 11422/2020 (III)

IA No.95625/2020-EXEMPTION FROM FILING O.T. and

IA No.95628/2020-PERMISSION TO FILE LENGTHY LIST OF DATES

SLP(C) No. 11348/2020 (III)

IA No.95147/2020-PERMISSION TO FILE LENGTHY LIST OF DATES

IA No. 95143/2020 - EXEMPTION FROM FILING O.T.

IA No. 95147/2020 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 05-03-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) Ms. Aparna Bhat, Sr. Adv.
Ms. Rajkumari Banju, AOR
Ms. Karishma Maria, Adv.

For Respondent(s) Mr. Nikhil Goel, Sr. Adv.
Mr. Ashutosh Ghade, AOR
Mr. Adithya Koshy Roy, Adv.
Ms. Siddhi Gupta, Adv.
Ms. Naveen Goel, Adv.

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

SLP(C) Nos. 9567/2020, 11422/2020 and 11348/2020

Since the issues raised in all the captioned petitions are same and the challenge in also to the self same judgment and order

passed by the High Court those were taken up for hearing analogously and are being disposed of by this common order.

2. The Special Leave Petition (C) No. 9567 of 2020 is treated as the lead matter.

3. This petition arises from the order passed by the High Court of Gujarat dated 4th February, 2020 in Civil Revision Application No. 425 of 2017 by which the High court allowed the Revision Application filed by the respondents herein and thereby rejected the plaint of Special Civil Suit No. 14 of 2014 filed in the Court of Principal Senior Civil Judge, Dholka.

4. For the sake of convenience, the appellant herein shall be referred to as the plaintiff and the respondents herein shall be referred to as the defendants.

5. It appears from the materials on record that the plaintiff entered into an agreement of sale dated 16th October, 1997 with the defendants. The defendants are the original owners of the suit property. As per the terms of the agreement, Rs. 1.91 Lakh per acre was fixed towards the total sale consideration. The total amount comes to around Rs. 1.34 crore towards sale consideration. It is not in dispute that at the relevant point of time i.e. at the time of execution of the agreement Rs. 14,70,000/- was paid by the plaintiff towards earnest money. However, three suits came to be instituted with respect to three different agreements of sale in the year 2014 i.e. almost after a period of 17 years.

6. The original defendants preferred an application under Order 7 Rule 11 of the CPC and prayed for rejection of plaint. The Trial Court rejected such application. The matter was carried to the High

Court by way of Revision Application. The Revision Application came to be allowed. The High Court rejected the plaint on the ground of limitation,

7. In such circumstances referred to above, the plaintiff is before this Court with three petitions.

8. We have heard Ms. Aparna Bhatt, the learned senior counsel appearing for the plaintiff and Mr. Nikhil Goyal, learned senior counsel appearing for the defendants.

9. It is difficult for us to find any error much less any error of law in the impugned order passed by the High Court. The High Court took the correct view that the suit was time barred keeping in mind Article 54 of the Limitation Act. However, the defendants are expected to refund the amount of Rs. 14,70,000/-, 8,00,000/- and 7,40,000/- respectively received by them towards earnest money with respect to three agreements of sale. Therefore, the defendants are to refund Rs. 30,10,000/- only @ 9% pa interest from the date of the respective agreements.

10. We dispose of all the three petitions herein without interfering with the impugned order, however, directing the defendants to refund the amount of Rs. 30,10,000/- @ 9% interest to the plaintiff within period of three months from today.

11. With the aforesaid, all the three petitions are disposed of.

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

(KANCHAN CHOUHAN)
SENIOR PERSONAL ASSISTANT

(POOJA SHARMA)
COURT MASTER (NSH)