ITEM NO.10 COURT NO.8 SECTION IV-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).1366-1369/2019

(Arising out of impugned final judgment and order dated 17-09-2018 in CR No. 6275/2014, CR No. 6278/2014, 7492/2015 and 7493/2015 passed by the High Court of Punjab & Haryana at Chandigarh)

SUBHASH SAHOONJA Petitioner(s)

VERSUS

PRABHA SEHGAL ETC. Respondent(s)

(WITH IA No. 12295/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH
Diary No(s). 2007/2019 (IV-B)
(WITH IA No.10521/2019-CONDONATION OF DELAY IN FILING and IA No.10531/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.10527/2019-PERMISSION TO FILE SLP)

Date : 21-01-2020 These petitions were called on for hearing today.

CORAM :
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. Chritarth Palli, Adv.
Mr. Gaurav Agrawal, AOR

Ms. Jaikriti S. Jadeja, AOR
Mr. S. Hariharan, Adv.

For Respondent(s) Mr. Manoj Swarup, Sr. Adv.
Mr. Mukul Kumar, AOR
Neelmani Pant, Adv.
Ms. Vidisha Swarup, Adv.

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

Signature Not Verified
Digitally signed by SANJAY KUMAR
Date: 2020.01.22 17:59:58 IST
Reason:

Permission to file the Special Leave Petition granted.

Delay condoned.

During the course of the hearing of the Special Leave Petitions, extensive deliberations have taken place between Mr Chritarth Palli, learned counsel appearing on behalf of the petitioner, Mr Subhash Sahoonja, Ms Jaikriti S Jadeja, learned counsel appearing on behalf of Mr Rattan Jaiswal, petitioner in Special Leave Petition (C) Diary No 2007 of 2019 and Mr Manoj Swarup, learned senior counsel appearing on behalf of Ms Prabha Sehgal and Ms Urmil Kaushal, respondents. We record our appreciation of the earnest efforts undertaken by Mr Manoj Swarup, Mr Chritarth Palli and Ms Jaikriti S Jadeja. The efforts made by counsel have facilitated a settlement between the parties.

As a result of the deliberations, the dispute between the parties has been settled and we pass the following order by consent and on the request of the learned counsel:

(i) The petitioner Subhash Sahoonja and Rattan Jaiswal agree and undertake to pay a sum quantified at Rs 1.80 crores to Ms Prabha Sehgal and Ms Urmil Kaushal. Out of this amount, an amount of Rs 1.35 crores will be paid to Ms Prabha Sehgal and an amount of Rs 45 lakhs will be paid to Ms Urmil Kaushal;

(ii) The amount which is stipulated in clause (i) above shall be paid in accordance with the following time schedule:

(a) An amount of Rs 10 lakhs shall be paid on or before 31 January 2020 to Ms Prabha Sehgal;

(b) Instalments of Rs 45 lakhs each shall be payable on or before 30 April 2020, 31 July 2020 and 30 September 2020. The last instalment of Rs 35 lakhs shall be payable on 31 December 2020;

(c) Of the above instalments, the instalment of Rs 45 lakhs due on 31 July 2020 shall be payable exclusively to Ms Urmil Kaushal while the remaining instalments shall be payable to Ms Prabha Sehgal.

(iii) The amounts due shall be paid by demand drafts of a nationalized bank drawn in the name of Prabha Sehgal and Urmil Kaushal, as the case may be, in the above terms;

(iv) In the event of any default in payment or in compliance with the time schedule which has been indicated above, Subhash Sahoonja, shall lose the benefit of the present order and the decree for eviction against him in his capacity as a tenant shall stand confirmed and become executable forthwith;

(v) Upon the discharge of the full payment in satisfaction of the present decree and order, the petitioner Subhash Sahoonja, together with Rattan Jaiswal, shall be entitled to full rights of ownership in respect of the two shops namely Shop Nos 13 and 14, Leela Bhawan, Bhupindra Nagar Road, Patiala, Punjab;

(vi) Pursuant to (v) above, Ms Prabha Sehgal and Ms Urmil Kaushal shall render full cooperation in conveying their entire right, title and interest in respect of the above shops to the petitioner Subhash Sahoonja and, for that purpose, the registration and stamp duty and all incidental expenses shall be borne by the purchaser;

(vii) The respondent, Ms Prabha Sehgal, shall be at liberty to withdraw the balance of the amount lying in deposit of this Court in pursuance of the order dated 20 February 2019.

This order has been passed in the presence of Ms Prabha Sehgal. Mr Manoj Swarup, learned senior counsel, states that the import of the order has been duly explained to her before she has consented to the above terms.

The Special Leave Petitions stand disposed of in view of the above settlement.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER