

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 9116 OF 2017

PAWAN PROPERTIES

APPELLANT

VERSUS

RAJ KUMAR DHANANIA & ORS.

RESPONDENTS

O R D E R

The Mediation Report dated 02.05.2023 enclosing therewith Memorandum of Settlement dated 21.04.2023 is filed.

Learned counsel for the appellant - Pawan Properties (represented by its partner - Shyam Sundar Nangalia) and respondent nos. 1, 2, 4, 5 and 6, namely, Raj Kumar Dhanania, Ramesh Kumar Dhanania, Pramila Kamalia, Bela Goel, and Nilu Podder, respectively, state that the parties they represent have signed and executed the Memorandum of Settlement. The spouses and the children of the respondents namely, Yash Dhanania, Bindu Dhanania, Karan Dhanania, Yamini Dhanania, Sonal Kamalia, Brinda Anish Maheshwari, Shweta Kamalia, Khushboo Agarwal, Divya Goel, and Samridh Poddar have also signed the Memorandum of Settlement.

Signatures on the Memorandum of Settlement are admitted and the contents and terms are accepted. The learned counsel for the parties also state that the parties are bound and will abide by the terms of the Memorandum of Settlement.

In view of the Memorandum of Settlement, which is taken on record, the appeal is allowed. Accordingly, the impugned judgment dated 28.06.2017 passed by the High Court allowing the appeal preferred by the respondents is set aside, observing that the Memorandum of Settlement settles the dispute and binds the parties to the settlement.

At the same time, we deem it appropriate to take on record the statement made by the learned counsel for the appellant - Pawan

Properties, on instructions, without any comment / observation, that they are bound by the settlement dated 23.03.2001, settlement dated 25.11.2003 and the resultant consent decree dated 29.07.2004 passed by the High Court of Calcutta with other judgment debtors, who are not a party to the Memorandum of Settlement dated 21.04.2023.

In terms of the Memorandum of Settlement, Rs. 5 crores deposited by the appellant - Pawan Properties along with accrued interest thereon, will be paid to the appellant.

The Memorandum of Settlement dated 21.04.2023 will not affect any third person, who is not a party to this settlement. We have clarified this aspect in view of our earlier order dated 21.02.2023 disposing of I.A. No. 34784/2023 in the present appeal.

Learned counsel for the applicant - Urmila Agarwal in I.A. No. 128529/2023 states that the applicant - Urmila Agarwal has initiated and filed legal proceedings, which are pending before the High Court of Calcutta. This order taking the Memorandum of Settlement dated 21.04.2023 on record and allowing the appeal is not binding on the applicant - Urmila Agarwal in I.A. No. 128529/2023. Similarly, the applicant - Pawan K. Dhanania in I.A. No. 163070/2022 is not a party to the settlement and, therefore, is not bound by the terms and conditions mentioned in the Memorandum of Settlement dated 21.04.2023.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(BELA M. TRIVEDI)

NEW DELHI;
JULY 11, 2023.

ITEM NO.32

COURT NO.3

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 SCivil Appeal No. 9116/2017

PAWAN PROPERTIES

Appellant(s)

VERSUS

RAJ KUMAR DHANANIA & ORS.

Respondent(s)

(IA No. 163071/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 163070/2022 - INTERVENTION/IMPLEADMENT and IA No. 112829/2022 - MODIFICATION OF COURT ORDER)

Date : 11-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Appellant(s)

Mr. Harin P Raval, Sr. Adv.
Mr. Karan Bharihoke, AOR
Mr. Siddhant Sharma, Adv.
Mr. Sanjay G., Adv.

For Respondent(s)

Mr. Snehasish Mukherjee, AOR
Mr. Kaustav Chandra Das, Adv.Mr. Raj Kamal, AOR
Mr. Aseem Atwal, Adv.
Mr. Kartavya Batra, Adv.
Mr. Anurag Chandra, Adv.
Ms. Nupur Kaushik, Adv.
Ms. Stuti, Adv.Mr. Rajeev Virmani, Sr. Adv.
Mr. Debargha Basu, Adv.
Mr. V.V.V. Sastry, Adv.
Mr. Soumya Dutta, AORMr. Dama Sesadri Naidu, Sr. Adv.
Mr. Koshy John, Adv.
Mr. Sriram Parakkat, Adv.
Mr. M.S. Vishnu Sankar, Adv.
Mr. Sreenath S, Adv.
Ms. Athira G. Nair, Adv.
Mr. Aditya Santosh, Adv.

M/s. Lawfic, AOR

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

The appeal is allowed, in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)