

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE/ORIGINAL JURISDICTION

CIVIL APPEAL No.1534 OF 2017
(@ SPECIAL LEAVE PETITION (CIVIL) No.23814 OF 2015)

VIJAY KUMAR . . . APPELLANT(S)

VERSUS

NARAYAN PRASAD (DEAD) THR. LRS. AND ANR. . . RESPONDENT(S)

WITH

CONTEMPT PETITION (CIVIL) NO. 28/2017

O R D E R

Leave granted.

Heard learned counsel for the parties.

The respondent(s)-herein filed Civil Suit No. 10A of 2004 in the Court of IInd Additional District Judge, Ashok Nagar, District Guna, M.P. challenging Sale Deed in favour of the appellant. The suit was decreed but during the pendency of the appeal, the parties entered into a settlement, the relevant part of which is as follows:

"That both the parties have agreed to lead a peaceful and happy life henceforth and to create a better relation and both agreeable to this that as per order and decree dated 11.09.2006 the purchased land is 0.102 Hector out of land Survey No. 172 which is 1.181 Hector of which defendant/applicant has been declared owner but with the amendment in the decree by the Hon'ble Court as 0.209 Hector and thus the ownership of Defendant/applicant is legally right".

After two years of the said settlement, the respondent(s) filed a review petition seeking recalling of the Settlement on the ground that there was no consideration for the plaintiff to have agreed to the defendants being declared owner. The said application has been allowed by the impugned order.

We find that it was not necessary to provide for any consideration as the defendants claimed to have purchased the land for which registered sale deed was duly executed and the plaintiff accepted the right of the defendants under the said registered Sale Deed.

Accordingly, the impugned order cannot be sustained and the same is set aside.

The appeal is allowed and the settlement is restored.

In view of the above, the contempt petition is closed.

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

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
6TH FEBRUARY, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.3

COURT NO.11

REVISED
SECTION IVAS 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). 23814/2015
(Arising out of impugned final judgment and order dated 19/11/2014
in RP No. 43/2014 passed by the High Court Of M.P. At Gwalior)

VIJAY KUMAR

Petitioner(s)

VERSUS

NARAYAN PRASAD (DEAD) THR. LRS. AND ANR. Respondent(s)
(With appln. For bringing Lrs on record, c/delay in filing appln.
For bringing Lrs on record and office report)

WITH

CONMT.PET.(C) No. 28/2017 In SLP(C) No. 23814/2015
(With appln.(s) for exemption from filing O.T. and Office Report)

Date : 06/02/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms. Pragati Neekhara,Adv.
Mr. Suryanaryana Singh,Adv.

For Respondent(s) Mr. Puneet Jain,Adv.
Ms. Chhaya Kirti,Adv.
Mr. Abhinav Gupta,Adv.
Ms. Pratibha Jain,Adv.

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

Delay in filing application for bringing Lrs on
record is condoned.

I.A. for substitution is allowed.

Leave granted.

Heard learned counsel for the parties.

The appeal is allowed in terms of the signed order.

In view of the above, the contempt petition is closed.

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

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master

ITEM NO.3

COURT NO.11

SECTION IVA

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

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

Leave granted.

Heard learned counsel for the parties.

The appeal is allowed in terms of the signed order.

In view of the above, the contempt petition is closed.

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

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khara)
Court Master