

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1323 OF 2017

KAMLESH PUNDIR

APPELLANT(S)

VERSUS

MAJOR PRITAM SINGH & ORS.

RESPONDENT(S)

O R D E R

1 The plaintiff who is appellant in the present appeal has filed the suit for specific performance. The suit was decreed by the Trial Court and confirmed by the First Appellate Court. In the second appeal filed by respondents, it was reversed on the ground that the property in question comes within the purview of Urban Land (Ceiling & Regulation) Act, 1976. On a remand the said view has been affirmed by the High Court *inter alia*

holding that the best person to adjudicate and throw light on the nature of the land is the Revenue Department itself and therefore, upon hearing the views of the said department, the earlier view was confirmed.

- 2 Learned senior counsel appearing for the appellant vehemently contended that the High Court should decide independently, whereas, it has reconfirmed its earlier decision by placing reliance upon the stand of the Revenue Department.
- 3 We do not find any error in the said view taken by the High Court as the idea was to find out the nature of a land. As a Civil Court it would be rather difficult to decide as to whether a land would come within the Urban Land (Ceiling & Regulation) Act, 1976 or not. The Court can only decide after taking the views of the Revenue Department which was accordingly done.
- 4 In such view of the matter, we do not find any error warranting interference. However, the case on the hand is that the agreement *inter se* parties is not in dispute. The fact that the appellant has paid a sum of Rs.25,000/- way back in the year 1980 is not in dispute. Therefore, in order to balance the equities, we direct the respondents to pay a sum of Rs.5,00,000/- within a period of three months to the appellant.

5 The appeal is disposed of in the above terms.

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

.....J.
[M.M. SUNDRESH]

.....J.
[PANKAJ MITHAL]

NEW DELHI;
17th OCTOBER, 2024

ITEM NO.107

COURT NO.12

SECTION III-A

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

Civil Appeal No(s). 1323/2017

KAMLESH PUNDIR

Appellant(s)

VERSUS

MAJOR PRITAM SINGH & ORS.

Respondent(s)

(IA No. 76053/2023 - EARLY HEARING APPLICATION)

Date : 17-10-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s) Mr. Roopansh Purohit, AOR

For Respondent(s) Mr. Rajive Bhalla, Sr. Adv.
Mr. Shubham Bhalla, AOR
Ms. Anchita Nayyar, Adv.
Mr. Alex Noel Dass, Adv.
Mr. Deepak Samota, Adv.
Mr. Rohit Pandey, Adv.

Mr. Bhagabati Prasad Padhy, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeal is disposed of in terms of the signed order.
Pending application(s), if any, shall stand disposed of.(SWETA BALODI)
COURT MASTER (SH)(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)