



village Gulvanchi, Taluka- North Solapur was decided by the Trial Court on 13.04.1984. The Trial Court declined the relief of specific performance but decreed the suit for the alternative relief of money recovery. The First Appellate Court, while dismissing the appeal filed by the contesting plaintiffs (Civil Appeal No. 546 of 1984), affirmed the decree of the Trial Court. However, the High Court of Judicature at Bombay allowed the second appeal preferred by the contesting plaintiffs (Second Appeal No. 176 of 1988) by its judgment and decree dated 01.08.2007; and decreed the suit for the principal relief of specific performance, albeit on enhanced sale consideration.

5. In the appeal taken by the contesting defendants, who had subsequently come on record as the purchasers of suit property after filing of the suit, this Court upheld the basic findings of the High Court as regards the nature of transaction and as regards readiness and willingness of the plaintiffs for performing their part of contract. This Court also found that the sale transaction in favour of the appellants during the pendency of litigation was hit by *lis pendens* as per Section 52 of the Transfer of Property Act but further held that doctrine of *lis pendens* only made the decree passed in the suit binding on such transferees and hence, did not approve the observation of the High Court that the sale deed made in favour of the transferees was illegal.

6. After thus having held substantially in favour of the plaintiffs, this Court examined the question as to whether the plaintiffs were entitled for the relief of specific performance or granting the alternative relief would be just and proper disposal of the litigation. This Court took note of Sections 21 and 22 of

the Specific Relief Act and various factors related with the case, as recounted in paragraph 16.3 of the judgment, including the factors that the agreements in question were executed way back on 20.09.1965 and 28.04.1966; that all through, the vendors and thereafter, the subsequent purchasers remained in effective possession of the land in question that carried much higher value than the sale consideration; that the plaintiffs, even while seeking specific performance, consciously prayed for the alternative reliefs of recovery of the amount paid by them with interest and compensation to the tune of Rs 15,000/-; and that the plaintiff No. 2, while deposing as PW2, had stated that in case specific performance was not granted, she '*may be granted alternative relief and compensation with interest*'

7. With reference to the aforesaid relevant factors and the valuation report placed by the appellants, this Court substituted the decree for specific performance by granting compensation in the sum of Rs. 15,00,000/- (Rupees fifteen lakh) to the present petitioner in lieu of the specific performance and in lieu of any other claim *qua* the land in question.

8. The petitioner-plaintiff seeks review on the limited point of alternate relief with the submission that the subsequent purchasers were not entitled to any equitable consideration from this Court and that the value of the land in question is about Rs. 9,22,000/- per hectare on average and not as suggested by the appellants.

9. It is evident that the alternative relief of compensation in lieu of specific performance was granted by this Court in consideration of all the relevant factors and the quantum of lump sum compensation was also arrived at with

reference to the overall circumstances of the case.

10 Nothing of any error appears on the face of record so as to entertain this review petition.

11. The review petition, accordingly, stands dismissed.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(DINESH MAHESHWARI)

New Delhi,  
May 8, 2020.

ITEM NO.1008

SECTION IX

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

REVIEW PETITION (CIVIL)\_\_\_\_\_ Diary No(s). 36713/2019 in C.A.  
No. 5382/2007

SOU. VIJAYLAXMI SURESH TIWARI PARANDEKAR Petitioner(s)

VERSUS

MADHUKAR NIVRUTTI JAGTAP & ORS. Respondent(s)

( IA No. 156400/2019 - CONDONATION OF DELAY IN FILING REVIEW  
PETITION)

Date : 08-05-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

By Circulation

UPON perusing papers the Court made the following  
O R D E R

Delay condoned.

The review petition is dismissed, in terms of the signed  
order.

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

(INDU MARWAH)  
COURT MASTER (SH)

(ANAND PRAKASH)  
BRANCH OFFICER

(signed order is placed on the file)