

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.7953-7954 OF 2019

GOPAL KRISHNA KAPOOR & ORS. Appellant(s)

VERSUS

R.S. CHHABRA & ORS. Respondent(s)

WITH

CIVIL APPEAL NOS. 7955-7956 OF 2019

O R D E R

1. The present appeals arise out of the judgment and orders dated 24<sup>th</sup> August, 2016 and 04<sup>th</sup> November, 2016 passed by the learned Division Bench of the High Court of Delhi at New Delhi, vide which the appeals preferred by the present appellants came to be rejected.

2. The appeals, in turn, were filed challenging the order passed by the learned Single Judge of the High Court dated 06<sup>th</sup> May, 2015 rejecting the I.A. No. 1460 of 2014 in CS(OS) 353 of 2006 filed under Section 28 of the Specific Relief Act, 1963 and I.A. Nos. 5310 of 2014 in CS(OS) 353 of 2006 filed under Order XI Rule 12 of the Code of Civil

Procedure Code, 1908 for discovery of the records.

3. We have heard Ms. Meenakshi Arora, learned senior counsel appearing for the appellant(s) and Dr. Abhishek Manu Singhvi, learned senior counsel appearing for the respondent(s).

4. We do not notice any perversity in the concurrent findings of fact as recorded by learned Single Judge of the High Court and the learned Division Bench of the High Court.

5. However, taking into consideration that the Memorandum of Understanding (MOU) dated 28<sup>th</sup> February, 2005 was executed almost a period of two decades earlier, wherein the price of the property was determined at 5.2 crores and that the market price of the property in question would not be less than around 50 crores at the present time as the valuation of the properties have risen exponentially, we are inclined to exercise the jurisdiction under Section 30 of the Specific Relief Act, 1963 read with Article 142 of the Constitution of India for balancing the equities and to do complete justice to the parties.

6. In the peculiar facts and circumstances of

the present case, we direct the respondent No.1 to pay an additional consideration of Rs. 10 crores towards full and final settlement of all the dues of the appellants. The said amount shall be deposited in the High Court within a period of one month from today.

7. The appellants shall file an undertaking that they shall vacate the premises and handover the peaceful possession of the property to respondent No.1 within one month from today and also to the effect that they shall not create any third party rights and interest in the property in question.

8. Needless to state that the above liberty is conditional to the respondent No.1 depositing an amount of Rs. 10 crores and upon deposit of the said amount, the appellants would be entitled to withdraw the same alongwith the amount already deposited in the High Court with the interest, if accrued thereon.

9. Needless to further state that upon the additional amount of Rs. 10 crores being deposited by the plaintiff-appellant, all consequences in pursuance to the order of the learned Single Judge

dated 06<sup>th</sup> May, 2015 and confirmed by the learned Division Bench vide orders dated 24<sup>th</sup> August, 2016 and 04<sup>th</sup> November, 2016 shall follow.

10. The appeals are disposed of in the above terms.

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

.....J  
(B.R. GAVAI)

.....J  
(SANDEEP MEHTA)

New Delhi  
February 21, 2024

ITEM NO.112

COURT NO.3

SECTION XIV-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). 7953-7954/2019

GOPAL KRISHNA KAPOOR &amp; ORS.

Appellant(s)

VERSUS

R.S. CHHABRA . &amp; ORS.

Respondent(s)

(IA No. 1/2016 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
AND IA No. 111030/2017 - VACATING STAY)

WITH

C.A. No. 7955-7956/2019 (XIV-A)

Date : 21-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s)

Ms. Meenakshi Arora, Sr. Adv.  
Mr. Preetesh Kapur, Sr. Adv.  
Ms. Sheena Taqui, Adv.  
Ms. Akansha Saini, Adv.  
Mr. Shiv Vinayak Gupta, Adv.  
Ms. Nanakey Kalra, Adv.  
Mrs. Bina Gupta, AOR  
Mr. Tanya Chaubay, Adv.

For Respondent(s)

Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. Dhruv Mehta, Sr. Adv.  
Mr. Pramod Dayal, AOR  
Mr. Nikunj Dayal, Adv.  
Mr. Rakesh Kumar, Adv.  
Ms. Jyoti Mendiratta, AOR

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

1. The appeals are disposed of in terms of the signed order.
2. Pending application(s), if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)

(RAM SUBHAG SINGH)  
COURT MASTER (NSH)

[Signed order is placed on the file]