

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).6359-6360 OF 2019

BABA JASBIRSINGH KALSI ETC.

APPELLANT(S)

VERSUS

ARVIND ETC.

RESPONDENT(S)

O R D E R

1. Heard counsel for the parties.
2. We have perused the impugned judgment of the High Court as well as the judgments of the trial Court and the First Appellate Court.
3. We are in agreement with the conclusion reached by the High Court that in the fact situation of the present case, the suit (Special Civil Suit No.926/2006) instituted by the appellant(s)-plaintiff(s) was barred by limitation. The High Court has analyzed this question extensively and we do not wish to reiterate the same position. We adopt the view taken by the High Court in that regard. Accordingly, the stated suit filed by the appellant has been justly dismissed by the High Court.

4. However, to do complete justice to the parties, we are inclined to issue direction to the respondent(s)-defendant(s) 1 to 3 in the stated suit that they shall jointly and severally refund Rs.2,95,000/- (Rupees Two Lakhs Ninety Five Thousand only) received by them towards earnest money to the appellant(s)-plaintiff(s) along with interest accrued thereon at the rate of 12% per annum from the date of receipt of the amount till its repayment to be done within a period of three months from today. Upon return of that amount, the appellant(s)-plaintiff(s) shall forthwith hand-over peaceful possession of the suit land to the said respondent(s)-defendant(s) 1 to 3, failing which this Court may proceed against the appellant(s)-plaintiff(s) appropriately.

5. The appellant(s)-plaintiff(s) are free to withdraw the amount deposited by them in the High Court pursuant to interim directions given by the High Court "only upon" delivery of possession of the suit land to the respondent(s)-defendant(s) 1 to 3, as noted above.

6. We make it clear that the decision of the High Court as regards suit filed by respondent-plaintiff

being Regular Civil Suit No.1155/2006 is not disturbed in terms of this order.

7. The appeals and pending application(s), if any, are disposed of accordingly.

....., J.
(A.M. KHANWILKAR)

....., J.
(HEMANT GUPTA)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
JANUARY 28, 2020

ITEM NO.105

COURT NO.6

SECTION III

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). 6359-6360/2019

BABA JASBIRSINGH KALSI ETC.

Appellant(s)

VERSUS

ARVIND ETC.

Respondent(s)

Date : 28-01-2020 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE DINESH MAHESHWARIFor Appellant(s) Mr. Nitin Bhardwaj, AOR
Mr. Rakesh Kumar, Adv.

For Respondent(s) Mr. Arvind Waghmare, In-person

Nos. 2-6 Mr. Dharmendra Kumar Sinha, AOR
Mr. Naresh Kumar, Adv.UPON hearing the counsel the Court made the following
O R D E RThe appeals and pending applications, if
any, are disposed of in terms of the signed order.(NEETU KHAJURIA)
COURT MASTER(DIPTI KHURANA)
COURT MASTER

(Signed order is placed on the file.)