

ITEM NO.42

COURT NO.13

SECTION IV-B

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 SPetition for Special Leave to Appeal (C) Nos.5359-5360/2020

[Arising out of impugned final judgment and order dated 30-08-2019 in RSA No. 6237/2015 & RSA No. 1285/2016 passed by the High Court of Punjab & Haryana at Chandigarh]

SUBHASH CHANDER & ORS.

Petitioner(s)

VERSUS

PRITPAL SINGH (DEAD) THR. LRS. & ORS.

Respondent(s)

Date : 24-02-2025 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. S. Wasim A. Qadri, Sr. Adv.

Ms. Bhavna Gupta, Adv.

Mr. Saahil Gupta, Adv.

Mr. Mohd. Danish, Adv.

Ms. Udita Singh, AOR

For Respondent(s) :

Mr. Sanjeev Kumar Dubey, Sr. Adv.

Mr. Shah Rukh Khan, Adv.

Ms. Himangi Tripathi, Adv.

Mr. K. V. Mohan, AOR

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

1. Our Order dated 28-1-2025 reads thus:-

"1. This Court while issuing notice vide order dated 24.02.2020 recorded that the notice was being issued on the limited question as regards refund of the earnest money of Rs.20 lakh paid by the plaintiffs to the defendants herein.

2. The receipt of Rs.20 lakh by the defendants towards earnest money is not disputed. The Courts below have not granted specific performance of contract to the plaintiffs.

3. In such circumstances, it is expected of the defendants to refund the earnest money of Rs.20 lakh with interest @9% from the date the defendant received it.

4. The learned counsel appearing for the respondents (original defendants) prays for a week's time to seek appropriate instructions from his client(s).

5. If the respondents are not inclined to refund the earnest money then we shall consider the case of the plaintiffs as regards grant of specific performance, as prayed for by them in the original suit.

6. List after two weeks."

2. Today, when the matters were taken up for hearing, Mr. Sanjeev Kumar Dubey, the learned Senior counsel appearing for the respondents (original defendants), submitted that he has instructions from his clients to make a statement before this Court that his clients are ready and willing to refund the earnest money of Rs.20,00,000/- to the petitioners with 9% interest from the date they received it within a period of three months from today.

3. The amount of Rs.20,00,000/- was paid on 21-1-2005 and at the rate of 9% interest p.a., the annual interest would come to Rs.1,80,000/-. It has now been 20 years since the amount was paid to the respondents and, therefore, the interest amount should be calculated accordingly.

4. As on date, it comes to Rs.36,00,000/-. The total amount will be Rs.20,00,000/- principal + Rs.36,00,000/- interest and, therefore, Rs.56,00,000/- shall be paid by the respondents (original defendants) to the petitioners (original plaintiffs).

5. We take notice of the fact that Mr. Subhash Chander, one of the plaintiffs, is the father of plaintiff No.2 and the third plaintiff is the wife of Mr. Subhash Chander.

6. In view of the aforesaid, we dispose of these Special Leave Petitions with a direction to the respondents - herein (original defendants) to pay the amount of Rs.56,00,000/- to Mr. Subhash Chander within a period of three months from today.

7. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)