

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 98/2020  
(Arising out of SLP(C) No. 8335/2017)

KAMLESH SHARMA & ANR.

APPELLANT(S)

VERSUS

BHOORA (D) THR. LRS & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

A suit for specific performance was filed by the appellants herein based on an agreement for sale, under which the appellants had paid Rs.50,000/- as earnest money out of the total consideration of Rs.2,45,000/-. After passing through various stages of litigation, the suit was ultimately dismissed by the High Court. However, no direction was made to refund the earnest money.

Having regard to the totality of the facts and circumstances of this case, we deem it proper to direct the respondents to pay the earnest money with certain amount of interest which comes upto about Rs.1,00,000/- in total. Accordingly, the respondents are directed to

pay Rs.1,00,000/- to the appellants, which includes the earnest money of Rs.50,000/-, within 12 weeks from today. The judgment of the High Court is modified to this extent. Accordingly, this appeal is allowed in part.

.....J.  
[MOHAN M. SHANTANAGOUDAR]

.....J.  
[R. SUBHASH REDDY]

NEW DELHI;  
JANUARY 08, 2020

ITEM NO.30

COURT NO.13

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 8335/2017

(Arising out of impugned final judgment and order dated 12-09-2016 in SA No. 687/2016 passed by the High Court Of Judicature At Allahabad)

KAMLESH SHARMA &amp; ANR.

Petitioner(s)

VERSUS

BHOORA (D) THR LRS &amp; ORS.

Respondent(s)

Date : 08-01-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR  
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Sanjay Kumar Dubey, AOR  
Ms. Shuchi Singh, Adv.  
Mr. Krishan Kant Dubey, Adv.  
Mr. Rakesh Kumar Tewari, Adv.

For Respondent(s) Mr. Azim H.Laskar, Adv.  
Mr. Chandra Bhushan Prasad, AOR  
  
Mr. Subodh Kumar Pathak, Adv.  
Mr. Adil Alvi, Adv.  
Mr. Pawan Kumar Sharma, Adv.  
Mr. Shashi Ranjan, Adv.  
Mr. D.K. Sinha, Adv.

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

Leave granted.

The appeal is allowed in part in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)  
COURT MASTER (SH)

(R.S. NARAYANAN)  
COURT MASTER (NSH)

(Signed order is placed on the file)