

ITEM NO.42

COURT NO.7

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). 9728/2017

(Arising out of impugned final judgment and order dated 16-11-2016 in WP No. 3079/2013 passed by the High Court Of Judicature At Allahabad)

MANGALA CHARAN

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH THROUGH
THE PRINCIPAL SECRETARY & ORS.

Respondent(s)

Date : 13-02-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s)

Mr. Devvrat, AOR
Mr. Devesh Kumar Agnihotri, Adv.
Mr. Aditya Kumar Dubey, Adv.
Mr. Subas Ray, Adv.
Mrs. Neha Jaiswal, Adv.

For Respondent(s)

Mr. Amol Chitale, Adv.
Mrs. Pragya Baghel, AOR

Mr. T.S. Ahuja, Adv.
Mr. Abhishek Kumar, Adv.
Ms. Neetu Tiwari, Adv.
Mr. Nayyar Siddiqui, Adv.
Mr. Rituparn Uniyal, Adv.
Mr. Satyajeet Kumar, AOR

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

We are not inclined to interfere with the impugned judgment, which we feel is equitable, just and fair.

At this stage, it is pointed out that the High Court *vide* the

impugned order had directed respondent no.5 - Hari Narayan Shukla to pay Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only) towards the interest, and pay the stamp duty paid by the petitioner - Mangala Charan. The total amount due and payable by respondent no.5 - Hari Narayan Shukla in terms of the said direction is Rs. 1,72,000/- (One Lakh Seventy Two Thousand Only).

Respondent no.5 - Hari Narayan Shukla had offered to make the payment *vide* demand draft dated 05.12.2016, shortly after the impugned judgment was passed on 16.11.2016. However, the petitioner - Mangala Charan had refused to accept the payment.

If the petitioner - Mangala Charan is inclined to accept the payment as directed by the judgment, which we have refused to interfere, he would furnish and give his bank account details to the Advocate-on-Record of respondent no.5 - Hari Narayan Shukla to enable electronically transfer Rs. 1,72,000/- (One Lakh Seventy Two Thousand Only) to the bank account of the petitioner - Mangala Charan. The electronic transfer would be made within a period of 15 days from the date on which the bank account details are made available to the Advocate-on-record of respondent no.5 - Hari Narayan Shukla. The petitioner - Mangala Charan is also entitled to payment of Rs. 3,00,000/- (Rupees Three Lakhs only), which was deposited in the Court by respondent no.5 - Hari Narayan Shukla. Any interest accrued on Rs. 3,00,000/- (Rupees Three Lakhs Only) would be paid to the petitioner - Mangala Charan. No interest will be paid on Rs.1,72,000/- as petitioner - Mangala Charan had declined and not accepted the payment. However, if respondent no.5 - Hari Narayan Shukla delays payment as directed, the petitioner -

Mangala Charan shall be entitled to interest @ 9% per annum from the date he furnishes the bank account details till payment is made by respondent no.5 - Hari Narayan Shukla.

The original title deeds would be given/returned to respondent no.5 - Hari Narayan Shukla by respondent no.2 - Sahakari Awas Nirman Ewam Vitta Nigam Limited or the petitioner - Mangala Charan, as the case may be. In case the same are not returned to respondent no.5 - Hari Narayan Shukla. Respondent no.5 - Hari Narayan Shukla will be entitled to file an execution application for return of the original documents. Party failing to return the original documents would be burdened with the cost of the execution proceedings.

Recording the aforesaid, the special leave petition is dismissed.

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

(BABITA PANDEY)
COURT MASTER (SH)

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