

ITEM NO.24

COURT NO.9

SECTION IVA

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 for Special Leave to Appeal (C)..... of 2017
CC No. 3471/2017

(Arising out of impugned final judgment and order dated 11/04/2016 in FA No. 187/2012 passed by the High Court Of M.P. At Gwalior)

KRISHAN LAL SAHNI

Petitioner(s)

VERSUS

SUSHIL CHANDRA BHARGAVA (D) THRU LRS. AND ORS

Respondent(s)

(With appln. (s) for c/delay in filing SLP and c/delay in refileing SLP and office report)

Date : 20/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s)

Mr. Rajesh Kumar, Adv.
Mr. Gaurav Kumar Singh, Adv.
Mr. Rakesh Chaurasiya, Adv.
Mr. Anant Gautam, Adv.
for M/s Mitter & Mitter Co.

For Respondent(s)

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

Delay condoned.

Learned counsel appearing for the petitioner submits that the period during which the increase of land prices was to be considered is from 1995 to 2005. According to the learned counsel the land prices have increased much greater than the prices at the rate of 10% as taken by the High Court on the

basis of the judgments in land acquisition cases. He, therefore, states that the increase in the present case which was in respect of a commercial transaction ought to have been taken according to the actual increase in prices.

Though there is no evidence referred to by the petitioner but having regard to the circumstances of the case we find it just and expedient to allow the petitioner to apply for review of the impugned judgment and order of the High Court by leading evidence to the above effect. The High Court shall permit the petitioner to lead additional evidence either before itself or before such Court as may be considered appropriate and accordingly decide the matter.

The special leave petition is disposed of accordingly.

In case the petitioner is aggrieved by the order passed by the High Court, he may approach this Court once over again challenging the main matter as well as the order passed in the Review Petition.

[Charanjeet Kaur]
A.R. -cum-P.S.

[Indu Pokhriyal]
Court Master