

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NOS. 3 & 4/2016 IN & CIVIL APPEAL NO(S) . 3232/2015

RAJEEV KUMAR UPADHYAY

APPELLANT (S)

VERSUS

PRAKASH CHAND RAWAT

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Learned counsel for the parties submit that the disputes have been settled between them. In I.A. Nos.3 & 4/2016, this Court on 6.2.2017 passed the following order:-

"In these two applications, the prayer is to the following effect:

"(a) allow the respondent/applicant to file additional documents i.e. Annexure A-1, Cancellation Deed dated 31.08.2016 and Annexure A-2 Bank Draft dated 22.08.2016 drawn on Indian Oversea Bank in favour of the appellant in order to bring on record the subsequent events;

(b) and accordingly dismissal of the appeal as infructuous in view of subsequent events as pointed out above; and

(c) pass such other and further order(s) as this Hon'ble Court may deem fit in the interest of justice."

It is submitted by learned counsel for

the appellant that though he has communicated with the appellants about the present application as well as the deed of cancellation of agreement to sell, he has not yet got any response. In view of the aforesaid, we think it appropriate to direct the learned District Judge, Agra to conduct an enquiry after issuing notice to the parties whether the deed of cancellation of "agreement to sell" as contained in Annexure A-1 and the receipt of Bank Drafts by the appellant within eight weeks hence and send a report thereof to this Court.

A copy of the order along with the interlocutory applications be sent to the learned District Judge, Agra to do the needful in the matter.

List the matter after ten weeks."

2. The District Judge, Agra, to whom this Court had directed to verify, has in the Report dated 27.2.2017 submitted that there is a genuine settlement between the parties.
3. Therefore, I.A. No.3 is allowed.
4. C.A. No.3232/2015 is taken on the Board.
5. The appeal is dismissed as having become infructuous, in view of the settlement between the parties.
6. Pending applications, if any, shall stand disposed of.
7. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
APRIL 24, 2017.

SUPREME COURT OF INDIA



JUDGMENT