

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.OF 2025
(Arising out of SLP(C) No. 4049 of 2020)

**BIJAY KUMAR MANISH KUMAR
HUF** ... **APPELLANT(S)**

VERSUS

ASHWIN BHANULAL DESAI ... **RESPONDENT(S)**

With

C.A.No. 5698 /2025 @SLP(C) NO.4050 OF 2020

C.A.No. 5699/2025 @SLP(C) NO.4051 OF 2020

C.A.No. 5700/2025 @SLP(C) NO.4052 OF 2020

**R.P. (C)NO.1206 OF 2024 in I.A.No.120219 OF 2020 in
SLP(C) No.4049 OF 2020**

**R.P. (C)NO.1207 OF 2024 in I.A.No.120227 OF 2020 in
SLP(C)No.4050 OF 2020**

**R.P. (C)NO.1208 OF 2024 in I.A.No.120235 OF 2020 in
SLP(C) No.4051 OF 2020**

**R.P. (C)NO.1209 OF 2024 in I.A.No.120248 OF 2020 in
SLP(C)No. 4052 OF 2020**

**CONTEMPT PETITION (CIVIL)NO.559 OF 2024 in
I.A.No.120219 OF 2020 in SLP(C)No.4049 OF 2020**

**CONTEMPT PETITION (CIVIL)NO.560 OF 2024 in
I.A.No. 120227 OF 2020 in SLP(C)No.4050 OF 2020**

**CONTEMPT PETITION (CIVIL)NO.561 OF 2024 in I.A.No.120235 OF 2020 In
SLP(C) No.4051 OF 2020**

**CONTEMPT PETITION (CIVIL)NO.562 OF 2024 in I.A.No.120248 OF 2020 In
SLP(C)No. 4052 OF 2020**

ORDER

Leave granted.

2. While considering an appeal on behalf of the Appellant-HUF herein, arising out of judgment and final order dated 7th November 2019 in C.O. No.1583 of 2019 passed by the High Court of Calcutta, an interlocutory application was filed by the Appellant-HUF (*landlord*) seeking directions for grant of *mesne* profits, which, *vide* order dated 17th May 2024 we had allowed the same. In terms of the said order, we had directed the Respondent herein (*tenant*) to deposit a sum of Rs. 5,15,05,512/- with the Registry of this Court within four weeks from the date of the order.

3. Indisputably, the order dated 17th May 2024 was not complied with by the Respondent-Tenant. Resultantly, Contempt Petitions and Review Petitions came to be filed by the landlord and the tenant, respectively. The landlord prayed for initiation of contempt proceedings for non-compliance of order dated 17th May 2024 whereas the tenant sought review of the said order. Finally, when the matter came up for hearing on 21st January 2025 we observed as under:-

“1) In view of the averments made in the review application, in particular para 8, on instructions it is contended by learned senior counsel Shri Maninder Singh that the possession of the subject property shall be handed over on or before 15th February, 2025, in the manner as specified in para 8 of the review application.

2) Compliance affidavit be filed by the parties on or before 17th February, 2025.

3) As requested by the learned counsel for the parties, we postpone the hearing of the case to 20th February, 2025 at 3.30 p.m.”

4. It is not in dispute that the tenant has now handed over the peaceful and vacant possession of each one of the demised premises to the landlord. Therefore, we need not refer to the facts and details of the demised premises.

5. The only issue which arises for consideration is what would be the fate of the following Contempt Petitions and Review Petitions filed in various Interlocutory Applications¹ by the landlord and the tenant –

1. R.P.(C) No. 1206/2024 in I.A. No. 120219/2020 in SLP(C) No. 4049/2020
2. R.P.(C) No. 1207/2024 in I.A. No. 120227/2020 in SLP(C) No. 4050/2020
3. R.P.(C) No. 1208/2024 in I.A. No. 120235/2020 in SLP(C) No. 4051/2020
4. R.P.(C) No. 1209/2024 in I.A. No. 120248/2020 in SLP(C) No. 4052/2020
5. CONMT.PET. (C) No. 559/2024 in I.A. NO. 120219/2020 IN SLP(C) No. 4049/2020
6. CONMT.PET. (C) No. 560/2024 in I.A. NO. 120227/2020 IN SLP(C) No. 4050/2020
7. CONMT.PET. (C) No. 561/2024 in IA NO. 120235/2020 IN SLP(C) No. 4051/2020
8. CONMT.PET. (C) No. 562/2024 in I.A NO.

¹ These Interlocutory Applications were filed seeking direction for payment of rent and other associated benefits in connection with the demised premises

After bestowing our thoughtful consideration to the entire conspectus of the subject matter and considering the nature of the dispute as also the subsequent developments, we deem it appropriate to dispose of the present dispute on the following terms: -

- (a) Save and except the modification of the amount quantified in our order dated 17th May 2024, the same stands confirmed;
- (b) As agreed by the parties, the tenant shall pay a sum of Rs. 50 lakhs to the landlord towards all monetary claims, be it occupational charges/*mesne* profits/damages of any nature with respect to all the demised premises. The said amount be remitted directly in the bank account of the landlord within a period of three months. We clarify that the amount payable to landlord with respect to the demised premises would be Rs. 50,00,000/- (*Rupees Fifty lakhs Only*). The landlord shall furnish the particulars of the designated bank account to the tenant within a period of one week from the date of uploading of this order on the official website;
- (c) Although Contempt Petitions were filed for non-compliance of the order dated 17th May 2024, yet we refrain from passing any orders thereupon. As such, in view of the above-mentioned terms, the Contempt Petitions preferred by the landlord are disposed of. Nonetheless, in the event that the tenant fails to remit the amount of Rs.50 lakhs in the aforesaid terms, it shall be open to landlord to revive the same;
- (d) All claims, be it of any nature, *inter se* the parties with respect to

the demised premises, shall be deemed to be satisfied.

(e) All litigation pending *inter se* the parties in relation to the demised premises shall be deemed to have been disposed of.

6. All connected appeals/matter(s), and pending application(s), if any shall stand disposed of accordingly.

.....J.
(J.K. MAHESHWARI)

.....J.
(SANJAY KAROL)

New Delhi;
February 20, 2025

ITEM NO.301

COURT NO.6

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4049/2020

[Arising out of impugned final judgment and order dated 07-11-2019
in C.O. No. 1583/2019 passed by the High Court at Calcutta]

BIJAY KUMAR MANISH KUMAR HUF

Petitioner(s)

VERSUS

ASHWIN BHANULAL DESAI

Respondent(s)

(IA No. 133506/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No.
196995/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES IA No. 37758/2022 - PERMISSION TO PLACE ADDITIONAL FACTS
AND GROUNDS)

WITH

SLP(C) No. 4050/2020 (XVI)
(IA No. 133621/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No.
37751/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

SLP(C) No. 4051/2020 (XVI)
(IA No. 133508/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No.
37739/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS)

SLP(C) No. 4052/2020 (XVI)
(IA No. 133623/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No.
37820/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES)

R.P.(C) No. 1206/2024 in I.A. No. 120219/2020 in SLP(C) No.
4049/2020 (XVI)
(IA No. 133709/2024 - APPLICATION FOR LISTING REVIEW PETITION IN
OPEN COURT IA No. 133710/2024 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

R.P.(C) No. 1207/2024 in I. A. No. 120227/2020 in SLP(C) No.
4050/2020 (XVI)
(IA No. 134200/2024 - APPLICATION FOR LISTING REVIEW PETITION IN
OPEN COURT IA No. 134202/2024 - EXEMPTION FROM FILING C/C OF THE

IMPUGNED JUDGMENT)

**R.P.(C) No. 1208/2024 in I.A. No. 120235/2020 in SLP(C) No. 4051/2020 (XVI)
(IA No. 133722/2024 - APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT IA No. 133723/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**R.P.(C) No. 1209/2024 in I.A. No. 120248/2020 in SLP(C) No. 4052/2020 (XVI)
(IA No. 134206/2024 - APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT IA No. 134207/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

CONMT.PET.(C) No. 559/2024 in I.A. NO. 120219/2024 IN SLP(C) No. 4049/2020 (XVI)

CONMT.PET.(C) No. 560/2024 in I.A. NO. 120227/2024 IN SLP(C) No. 4050/2020 (XVI)

CONMT.PET.(C) No. 561/2024 in IA NO. 120235/2024 IN SLP(C) No. 4051/2020 (XVI)

CONMT.PET.(C) No. 562/2024 in I.A NO. 120248/2024 IN SLP(C) No. 4052/2020 (XVI)

Date : 20-02-2025 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL**

**For Petitioner(s) : Mr. Rana Mukherjee, Sr. Adv.
Ms. Vijaya Bhatia, Adv.
Mr. Ganesh Shaw, Adv.
Mr. Kunal Chatterji, AOR
Mr. Samarth Mohanty, Adv.**

**Mr. Maninder Singh, Sr. Adv.
Ms. Meenakshi Arora, Sr. Adv.
Mr. Mohit D. Ram, AOR
Mr. Hanish Talsania, Adv.
Ms. Nayan Gupta, Adv.
Mr. Anubhav Sharam, Adv.
Mr. Anubhav Sharma, Adv.**

For Respondent(s) : M/S. Legal Options, AOR

Mr. Maninder Singh, Sr. Adv.
Ms. Meenakshi Arora, Sr. Adv.
Mr. Mohit D. Ram, AOR
Mr. Hanish Talsania, Adv.
Ms. Nayan Gupta, Adv.
Mr. Anubhav Sharma, Adv.

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

1. Leave granted.
2. Operative portion of the signed order reads as under :

"After bestowing our thoughtful consideration to the entire conspectus of the subject matter and considering the nature of the dispute as also the subsequent developments, we deem it appropriate to dispose of the present dispute on the following terms: -

(a) Save and except the modification of the amount quantified in our order dated 17th May 2024, the same stands confirmed;

(b) As agreed by the parties, the tenant shall pay a sum of Rs. 50 lakhs to the landlord towards all monetary claims, be it occupational charges/*mesne* profits/damages of any nature with respect to all the demised premises. The said amount be remitted directly in the bank account of the landlord within a period of three months. We clarify that the amount payable to landlord with respect to the demised premises would be Rs. 50,00,000/- (*Rupees Fifty lakhs Only*). The landlord shall furnish the particulars of the designated bank account to the tenant within a period of one week from the date of uploading of this order on the official website;

(c) Although Contempt Petitions were filed for non-compliance of the order dated 17th May 2024, yet we refrain from passing any

orders thereupon. As such, in view of the above-mentioned terms, the Contempt Petitions preferred by the landlord are disposed of. Nonetheless, in the event that the tenant fails to remit the amount of Rs.50 lakhs in the aforesaid terms, it shall be open to landlord to revive the same;

(d) All claims, be it of any nature, *inter se* the parties with respect to the demised premises, shall be deemed to be satisfied.

(e) All litigation pending *inter se* the parties in relation to the demised premises shall be deemed to have been disposed of.

6. All connected appeals/matter(s), and pending application(s), if any shall stand disposed of accordingly."

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(NAND KISHOR)
ASSISTANT REGISTRAR