

SUPREME COURT OF INDIA

Saraswati Singh

Vs.

Shailesh Singh

WP (CrI.)No.105 of 2016

(Dipak Misra,CJI., A.M.Khanwilkar and Dr.D.Y.Chandrachud,JJ.,)

10.04.2018

ORDER

Dr D.Y.Chandrachud,J.,

1 The main writ petition was dismissed by a judgment delivered by this Court on 6 March 2018. In the present application, the following directions have been sought:

“I. Direct the Registry of this Hon’ble Court to return the sum of Rs.10 lakhs lying deposited before the Hon’ble Court to the petitioners; and/or

II. Direct the Respondents to refund the sum of Rs.25 lakhs withdrawn by them out of the sum of Rs.35 lakhs deposited by the petitioners before this Hon’ble Court to the petitioners; and/or

III. Direct return of the title deeds deposited by the petitioners before this Hon’ble Court to the petitioners..”

During the pendency of the proceedings, an interim order dated 20 February 2017 was passed in the following terms:

"Let the matter be listed on 10.4.2017.

In the meantime, the petitioners shall deposit a sum of Rs 50,00,000 (Rupees fifty lac only) before the Registry of this Court. 50% of the said amount shall be paid to the 1st respondent without furnishing any security and the balance amount shall be kept in an interest bearing short term fixed deposit in the UCO Bank, Supreme Court Compound, New Delhi.”

Subsequently, by an order dated 10 April 2017, the earlier order was modified in the following terms:

"Regard being had to the submissions advanced at the Bar, we are only inclined to modify the aforesaid order to the extent that the petitioner shall deposit a sum of Rs 35,00,000 (Rupees thirty five lakhs) by 17 April 2017. The title deed as prayed for be filed on or before 29 April 2017. The respondents are permitted to withdraw Rs 25,00,000 (Rupees twenty five lakhs) without furnishing any security."

2. On 18 April 2017 an extension of time of three days was granted to deposit the sum of Rs 25,00,000 and for the balance until May 10, 2017. The respondents were granted liberty to withdraw an amount of Rs 25 lakhs as indicated in the earlier order dated 10 April 2017.

3. During the course of the hearing, parties had agreed to pursue the possibility of a settlement through mediation which was recorded in the order of this Court dated 4 May 2017. The mediation failed.

4. On 30 October 2017 this Court directed that the fixed deposit receipt be renewed for a period of six months.

5. Pursuant to the above interim directions, the petitioners deposited a sum of Rs 35 lakhs. Out of the said amount, a sum of Rs 25 lakhs was withdrawn by the respondents. A balance of Rs 10 lakhs is lying in deposit with the Registry which was invested in a fixed deposit. The aforesaid amounts were directed to be deposited by this Court in order to test the bona fides of the petitioners. Now that the writ petition has been dismissed, we find merit in the application of the petitioners, that they are entitled to a refund of the amount of Rs 35 lakhs and the return of the title deeds deposited in this Court. Consequently, we direct that the amount of Rs 10 lakhs (out of the above mentioned amount of Rs 35 lakhs) which is lying in deposit with the Registry shall be returned to the petitioners together with the accrued interest. The respondents shall refund an amount of Rs 25 lakhs which was withdrawn by them in pursuance of the interim directions, to the petitioners within a period of three weeks hence. The petitioners shall also be entitled to return of the title deeds deposited in the Registry.

6. The MA shall stand disposed of.