

Supreme Court Law Clerk-Cum-Research Associates Exam 2023
Part II, Question 1
Model Answer

SLP (CIVIL) NO. 12345 OF 2022
SHANTI V. SATYA & ORS.

Date	Particulars	Relevant Page no.
	Facts	
08.08.1992	By Agreement to sell Rs 85,000 paid and possession transferred to petitioner of disputed property (plot in Monaco)	9
1995	After flood, petitioner reconstructed room in property. Respondent no. 2 interfered with peaceful possession for property.	9
03.12.1997	Respondent no. 2 through GPA dated 07.12.1991, sold disputed property to Respondent no. 3 by registered sale deed no. 3374. No possession transferred.	9
17.12.1997	Petitioner filed Civil Suit No. 486 of 1997 against Respondent no. 2 and Om Prakash for Permanent Injunction to restrain from interfering in peaceful possession.	17
28.11.2001	Civil Suit No. 486 of 1997 Ex- parte Decreed in favour of Petitioner	17, 18
10.09.2002	Petitioner filed Civil suit no. 204 SP of 2002 for Specific Performance of Agreement to sell dated 08.08.1992 and claiming registered sale deed dated 03.12.1997 as null and void.	19
25.11.2011	Civil suit no. 204 SP of 2002 Partially allowed. Held agreement to sell valid and proved and Petitioner entitled to Refund of Rs. 85,000 and 6% p.a. interest.	23
24.12.2011	Respondent filed Civil Appeal no. 282RBT of 2011/2014 against 25.11.2011 decree.	24
03.01.2012	Petitioner filed Civil Appeal no. 278RBT of 2012/2014 against 25.11.2011 decree.	24
14.11.2014	Court set aside the judgement dated 25.11.2011 and dismissed 278RBT of 2012/2014 as Respondent no. 1 not liable to refund Rs. 85,000	29
03.12.2017	Petitioner filed Second Appeal RSA No. 5173 of 2014 (O&M) against judgement dated 14.11.2014.	9
19.01.2018	Hon'ble HC of Punjab and Haryana dismissed Second Appeal RSA No. 5173 of 2014 (O&M) (Impugned Judgement)	9-12
	Findings of the HC	
19.01.2018	Held that petitioner not entitled to relief on the following grounds: A) Agreement to sell dated 08.08.1992 is a fake document. B) Petitioner has no proof of payment of Rs. 85,000 to Respondent. C) Respondent no. 1 failed to proved receiving Rs 85,000 from Petitioner. D) Petitioner failed to show ready and willingness since filing suit for specific performance after 10 years. E) Petitioner was never in possession for the property. F) No substantial question for law arises.	11, 12

Date	Particulars	Relevant Page no.
	Grounds for Challenge	
	Impugned Judgement dated 19.01.2018 challenged on following grounds: A) Respondent No. 2 had POA to execute Agreement to sell date 08.08.1992. B) Agreement to sell proved by attesting witness and held so by Judgement dated 28.11.2001 and 25.11.2011 C) Respondent received Rs. 85,000 consideration. D) Petitioner in possession for disputed property since 08.08.1992. E) Petitioner constructed house on disputed property F) Market value of disputed property has increased	14, 15
	Prayer	
	The following is prayed by Petitioner: A) Stay operational of Impugned Judgement dated 19.01.2018 B) Pass such other order as deem fit.	15
	I.A. No. ___ of 2022	
	Application for exemption from filing the official transaction of the Annexure	2
	Limitation	
	Petition for Condonation of delay filed for 525 days.	30

By:
Adv. Kritika Goyal
AIR 1, Supreme Court Law Clerk-Cum-Research Associates Exam 2023