

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RSA No. 2843 of 2011 (O&M)  
Decided on: 22.12.2017****Jai Parkash****.....Appellant****versus****M/s Suncity Project Ltd. and Ors.****.....Respondents****CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT****Present:** Mr. Raj Kumar Gupta, Advocate  
for the appellant, along with appellant in person.Sh. Aashish Chopra, Advocate and  
Mr. Prateek Sodhi, Advocate  
for respondent No.1.Mr. C.B. Kaushik, Advocate and  
Mr. N.P. Gupta, Advocate  
for respondents No.3 and 4, along with  
respondents No.3 and 4 in person.**\*\*\*****RAJBIR SEHRAWAT, JUDGE (ORAL)**

This is the appeal filed by the plaintiff, challenging the concurrent judgment and decree passed by the Courts below, whereby his suit claiming declaration as valid allottee, to the extent of ½ share, of plot No.E-75, Suncity, Gurgaon and for restraining the company M/s Suncity Projects Ltd.; from transferring the said plot in favour of respondents No.3 and 4, was dismissed.

During the course of the arguments the parties have arrived at an amicable settlement and have decided to settle the present case as well as the FIR No.431 of 2004 registered at Police Station, Connaught Place, New Delhi, regarding which the cancellation report and the protest petition filed by the present appellant are under consideration before the competent

**Court at Patiala House Courts Complex, New Delhi.**

Learned counsel for the parties, on instructions from their respective clients, who are present in the Court, have stated that it has been agreed between the parties that respondents No.3 and 4 shall pay an amount of Rs.1 Crore to the appellant. On completion of payment of this amount, the appellant shall relinquish his all claims regarding the said plot No.E-75, Suncity, Gurgaon and he shall also withdraw his protest petition filed against the cancellation of the FIR referred to above.

It is further agreed between the parties that for completing the payment of above said amount of Rs.1 Crore, the respondents No.3 and 4 shall make the payment of Rs.10 lac within one month from today in the presence of one Sh. Naresh Goyal S/o of Banwari Lal, as agreed between the parties. Thereafter, the balance amount of Rs.90 lacs shall be paid by respondents No.3 and 4 to the appellant in equated instalments of Rs.18 lac each every month, in next five months. However, if respondents No.3 and 4 are able to pay the amount even before six months, they can pay the same at any time. But the total payment period shall not go beyond six months from today.

It is further agreed between the parties that after the amount of Rs.1 Crore, as mentioned above is paid up, the appellant shall write a letter to respondent No.1 within next 15 days relinquishing his all claims and requesting respondent No.1 to transfer the said plot in favour of respondent No.4. Thereafter, it would be the matter between respondents No.1 and 4 to deal with the plot; as per their agreements and their terms of allotment. The appellant shall have no claim against this plot.

It is further agreed that after the payment of Rs.1 Crore is completed, as mentioned above, then the appellant shall also move an application for withdrawal of his protest petition, before the Court where the

and the appellant shall request the Court to cancel the said FIR by submitting that he is withdrawing the allegations and withdrawing the complaint itself.

The present appeal is decided in the above said terms. The terms mentioned above shall form the part of the decree. In case any default in payment of the above said amount is committed, then the appellant shall be entitled to get the decree executed against respondents No.3 and 4 to get the amount recovered, through the competent Executing Court.

Disposed of accordingly.

**22<sup>nd</sup> December, 2017**

*Manju*

**[RAJBIR SEHRAWAT]  
JUDGE**

|                                  |          |               |
|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether reportable</b>        | <b>:</b> | <b>Yes/No</b> |