

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 20529/2018

N. KASINATHAN & ORS.

Petitioner(s)

VERSUS

VIJAYAKUMAR & ORS.

Respondent(s)

Date : 25-08-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJEEV SACHDEVA
[IN CHAMBER]

For Petitioner(s) :Mr. R. Gopalakrishnan, AOR

For Respondent(s) :Dr. G. Sivabalamurugan, AOR
Mr. Selvaraj Mahendran, Adv.
Mr. Harikrishanan, Adv.
Mr. Kavinananth. C, Adv.
Mr. Adi Kesavan, Adv.
Ms. G.s. Shrinithi, Adv.

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

1. The Special Leave Petition was filed by the petitioners-auction purchasers against respondent nos. 1-3 who were the guarantors to the loan taken by respondent no. 5 from respondent no. 4.

2. It is informed that during the pendency of these proceedings, respondent nos. 1 and 3 have passed away and respondent no. 2 is the sole surviving legal heir who has been duly substituted to represent the estate of respondent nos. 1 and 3. The respondent nos. 1 and 3 had challenged the auction sale conducted by respondent no. 4 in which the petitioners were the auction purchasers.

3. By the impugned order dated 05.01.2018, auction sale was set aside and respondent nos. 1-3 were directed to deposit the entire auction sale amount with interest from the date of auction till the date of the order before the executing firm.

4. During pendency of these proceedings, parties have entered into a settlement. The auction purchaser is giving up his rights in the subject property and is acceding to the judgment passed by the High Court, subject to the respondent no. 2 paying a sum of Rs. 12,50,000/- to the auction purchasers. It is agreed that out of the said amount of Rs. 12,50,000/-, a sum of Rs. 1,00,000 has already been paid to the auction purchasers.

5. Further, it is agreed that the sum of 5,79,000/-, which has been deposited with the executing Court along with any interest accrued thereon, be released in favour of the auction purchasers, i.e. in favour of the petitioners herein.

6. Learned counsel appearing for respondent no. 2, under instructions from respondent no. 2, undertakes on behalf of respondent no. 2 that respondent no. 2 shall pay the balance agreed amount of Rs. 5,71,000/- to the petitioners within a period of two weeks from today. Said undertaking is accepted.

7. In view of the above, the final settlement report dated 21.08.2026 is taken on record. This Court has perused the terms of settlement and finds the same to be lawful. Parties shall be bound by the terms of the settlement. In view of the undertaking given by respondent no. 2 and release of the amount, learned counsel for the petitioner seeks leave to withdraw the petition.

8. The executing Court is directed to release the entire amount deposited with the executing Court along with interest accrued thereon to the petitioners. Further, the executing Court shall issue a certificate entitling respondent no. 2 (original petitioner before the High Court) to refund of the amount of the stamp duty as directed by the impugned order, in paragraph 38(e).

9. The Special Leave Petition is, accordingly, disposed of in the above terms.

10. Pending application(s), if any, shall stand disposed of.

(KANJIKA TAYAL)
COURT MASTER (SH)

(JAYANT RAJ KATYAL)
BRANCH OFFICER