



2025 INSC 827

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7742 of 2025
ARISING OUT OF SLP (C) NO. 10797 OF 2019

UMEDRAJ JAIN

....APPELLANT(S)

VERSUS

V. SUDARSANAN

....RESPONDENT(S)

ORDER

1. Leave granted.

2. The present appeal arises out of judgment and order passed by the Division Bench of the High Court of Judicature at Madras dismissing the appeal preferred by the appellant against order of Single Judge directing him to pay Rs. 19,54,946/- (Rupees Nineteen Lakhs Fifty-Four Thousand Nine Hundred Forty Six Only) to the respondent. The short facts relevant for our purpose are as follows.

3. The respondent filed a suit for recovery of money against the original defendants for a sum of Rs. 79,69,544/- with interest @ 9% on the principal amount of Rs. 58,50,000/- loaned by the said respondent under a mortgage through title deeds. Pending

disposal of the suit, the appellant purchased the property from the original defendants. The appellant is said to have filed an

application for impleadment and that came to be dismissed and the said order attained finality. The suit was decreed on 05.10.2010 and the final decree came to be passed against defendants on 29.08.2011 for a sum of Rs.79,69,544/- with further interest at the rate of 9% per annum on Rs.58,50,000/-.

4. The appellant's challenge to the judgment and decree passed by the trial court have failed all through and the prolonged litigation has come to a stage where the appellant has ultimately paid a total amount of Rs.1.15 crore whereby the Master, High Court has closed the proclamation proceedings by his order dated 12.08.2016.

5. It is at this stage that respondent filed an application before the Ld. Single Judge, against order dated 12.08.2016 stating that appellant still owes him Rs.19.24 Lakhs. The Ld. Single Judge vide order allowed the said application of the respondent, set aside the order closing the proclamation proceedings and directed the appellant to make payment of the due amount of Rs. 19,54,946. On appeal by the appellant, the Division Bench affirmed the said order of the Ld. Single Judge vide order impugned before us.

6. Though this court issued notice on 07.05.2019 the matter has prolonged for some reason or the other. When the case was listed before us, we suggested the parties that they must try and

settle the dispute in view of the long-standing litigation involving heavy expenditure and wastage of valuable time. It is apparent to us that Mr. V. Prabhakar, learned senior counsel for the respondent, has tried his best but the matter has remained inconclusive.

7. Having considered the matter in detail and in the facts and circumstance of the case, we are of the opinion that interest of justice will be sub-served if we direct the appellant to pay to the respondent a sum of Rs. 15 Lakhs as full and final settlement of all dues and in complete satisfaction of the final decree. The order is confined to the facts of the present case and shall not be treated as a precedent.

8. In view of the above, and in modification of the order passed by the High Court, we allow the appeal in part and direct the appellant to pay to the respondent the amount of Rs. 15 Lakhs within a period of two months from today as full and final settlement of all dues.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[JOYMALYA BAGCHI]

NEW DELHI
JULY 14, 2025