

The Specific Relief Act, 1963, is a crucial piece of legislation governing contractual disputes in India. Here are some landmark case laws related to the Act:

Key Cases on Specific Performance

- ***Katta Sujatha Reddy v. Siddamsetty Infra Projects Pvt. Ltd. (2022)*:** The Supreme Court ruled that the 2018 amendment to the Specific Relief Act is prospective and cannot apply to transactions that took place before its enactment. This means that parties entering into contracts must adhere strictly to agreed timelines, and courts retain discretion in granting specific performance.
- ***K. Narendra vs Riviera Apartments(P) Ltd*:** The court emphasized that specific performance is an equitable remedy, and the party seeking it must demonstrate readiness and willingness to perform their contractual obligations.
- **N.P. Thirugnanam v. Dr. R.J. Mohan Rao:** The court highlighted that specific performance is a discretionary remedy provided by the court to the affected party.

Cases Related to Section 28 of the Specific Relief Act

- ***Recent Supreme Court Judgment (2024)*:** The Supreme Court clarified that an application under Section 28, which deals with rescission of a contract in case of non-compliance with a decree for specific performance, can be filed in the trial court even if the decree has been passed by the appellate court.

Other Notable Cases

- ***M/S Gujarat Bottling Co. Ltd v. The Coca Cola Co & Ors*:** The Supreme Court emphasized that specific performance is an equitable remedy, and the party invoking the jurisdiction of the court must demonstrate fairness and uprightness in their actions.

- *Satish Kumar v. Karan Singh (2016)*: The Supreme Court emphasized that the jurisdiction to order specific performance of a contract hinges on the existence of a valid and enforceable contract.
- *Zarina Siddiqui v. A. Ramalingam (2015)*: The Supreme Court clarified that the remedy of specific performance of a contract is an equitable remedy ^{1 2 3}.
- *Katta Sujatha Reddy vs Siddamsetty Infra Projects Pvt. Ltd. (2022)*: The Supreme Court held that the 2018 amendment to the Specific Relief Act is prospective and cannot apply to transactions that took place before its enactment.
- *Satish Kumar v. Karan Singh (2016)*: The Supreme Court emphasized that the jurisdiction to order specific performance of a contract hinges on the existence of a valid and enforceable contract.
- N.P. Thirugnanam v. Dr. R.J. Mohan Rao: The Supreme Court reiterated that specific performance is an equitable remedy, and the party seeking it must demonstrate readiness and willingness to perform their contractual obligations.

Cases on Discretionary Relief

- *Major Gen. Darshan Singh (D) By Lrs. & Anr. V. Brij Bhushan Chaudhary (D) by Lrs. (2024)*: The Supreme Court held that the exercise of discretion depends on several factors, including the conduct of the plaintiff.
- *B. Santoshamma & Another vs. D. Sarala & Another (2020)*: The Court laid down principles related to specific performance of contracts, including discretionary relief and enforceability in entirety.

Cases on Partial Specific Performance

- *Jaswinder Kaur v. Gurmeet Singh (2017)*: The Supreme Court ruled that relief of part performance cannot be granted if the plaintiff's inability to perform arises from their own conduct.

- *Section 12 of the Specific Relief Act, 1963*: The Court can order specific performance of the performable part of a contract, especially when the unperformed part is proportionally small in value and monetarily compensable.

Other Notable Cases

- *Gaddipati Divija & Anr v Pathuri Samrajyam & Ors. (2023)*: The Court held that time is not of the essence in a contract wherein the obligations of one party are dependent on the fulfilment of obligations of another party.

- *Zarina Siddiqui v. A. Ramalingam (2015)*: The Supreme Court clarified that the remedy of specific performance of a contract is an equitable remedy.

- *M/S Gujarat Bottling Co. Ltd v. Coca Cola Co & Ors*: The Supreme Court emphasized that specific performance is an equitable remedy, and the party invoking the jurisdiction of the court must demonstrate fairness and uprightness in their actions.

- *The East India Hotels Ltd vs Syndicate Bank*: The Court held that a suit for recovery of possession under Section 6 of the Specific Relief Act, 1963, can be filed by a person who has been dispossessed of immovable property.

- *Poona Ram v. Moti Ram (2019)*: The Supreme Court ruled that mere casual possession does not confer possessory title over property.

- *Vasantha (Dead) Thr. Lr v. Rajalakshmi @ Rajam (Dead) Thr. LRs (2024)*: The Supreme Court reiterated that a suit for declaration of title without seeking recovery of possession is not maintainable when the plaintiff is not in possession^{1 2}.

- *Ishwar vs. Bhim Singh (2024)*: The Supreme Court clarified that an execution court, which is also the court of first instance, has jurisdiction to entertain an application under Section 28 of the Specific Relief Act, 1963, even when the decree for specific performance was passed by the appellate court.

- *Birma Devi & Ors. V. Subhash & Anr. (2024 INSC 949)*: The Supreme Court affirmed that an executing court can grant possession of a property to the decree-holder in execution of a decree for specific performance, even if the decree does not explicitly mention the relief of possession.

- *Katta Sujatha Reddy v. Siddamsetty Infra Projects Pvt. Ltd. (reviewed in 2024)*: The Supreme Court reconsidered its earlier judgment and determined that the 2018 amendment to the Specific Relief Act should apply retrospectively, allowing parties involved in contracts executed before October 1, 2018, to seek specific performance based on the new provisions.

- *Manjit Singh & Anr. V. Darshana Devi & Ors.*: The Supreme Court underscored the critical principles of property law, including the duties of subsequent purchasers and the sanctity of equitable rights, holding that subsequent purchasers cannot claim the status of bona fide purchasers under Section 19(b) of the Specific Relief Act if they fail to exercise due diligence ^{1 2 3}.

- *Vasantha (Dead) Thr. Lr v. Rajalakshmi @ Rajam (Dead) Thr. LRs (2024)*: The Supreme Court reiterated that a suit for declaration of title without seeking recovery of possession is not maintainable when the plaintiff is not in possession ⁴.

- *ईश्वर बनाम भीम सिंह (2024)*: सुप्रीम कोर्ट ने स्पष्ट किया कि एक निष्पादन अदालत, जो पहले उदाहरण की अदालत भी है, के पास विशिष्ट प्रदर्शन के लिए डिक्री के निष्पादन में एक आवेदन को मनोरंजन करने की शक्ति है, भले ही विशिष्ट प्रदर्शन के लिए डिक्री अपीलीय अदालत द्वारा पारित की गई हो।

- *बिरमा देवी और अन्य बनाम सुभाष और अन्य (2024 INSC 949)*: सुप्रीम कोर्ट ने माना कि एक निष्पादन अदालत विशिष्ट प्रदर्शन के एक डिक्री के निष्पादन में एक संपत्ति के कब्जे को डिक्री-धारक को अनुदान दे सकती है, भले ही डिक्री में स्पष्ट रूप से कब्जे का उल्लेख न हो।

- *कट्टा सुजाता रेड्डी बनाम सिद्धम्मा सेठी इंफ्रा प्रोजेक्ट्स प्राइवेट लिमिटेड (2024 में समीक्षा की गई)*: सुप्रीम कोर्ट ने अपने पहले के फैसले की समीक्षा की और निर्धारित किया कि विशिष्ट राहत अधिनियम में 2018 का संशोधन पूर्वव्यापी रूप से लागू होना चाहिए, जिससे 1 अक्टूबर, 2018 से पहले निष्पादित अनुबंधों में शामिल पक्षों को नए प्रावधानों के आधार पर विशिष्ट प्रदर्शन की मांग करने की अनुमति मिल सके।

- *मंजीत सिंह और अन्य बनाम दर्शन देवी और अन्य*: सुप्रीम कोर्ट ने संपत्ति कानून के महत्वपूर्ण सिद्धांतों पर जोर दिया, जिसमें बाद के खरीदारों के कर्तव्यों और न्यायिक अधिकारों की पवित्रता शामिल है, यह कहते हुए कि बाद के खरीदार विशिष्ट राहत अधिनियम की धारा 19 (बी) के तहत वास्तविक खरीदारों का दर्जा नहीं दावा कर सकते हैं यदि वे उचित परिश्रम करने में विफल रहते हैं।

- *वसंथा (मृत) थू एलआर बनाम राजलक्ष्मी @ राजम (मृत) थू एलआरएस (2024)*: सुप्रीम कोर्ट ने दोहराया कि जब वादी कब्जे में नहीं है तो कब्जे की वसूली के लिए दावा किए बिना स्वामित्व की घोषणा के लिए एक मुकदमा कायम नहीं है।

इन मामलों में विशिष्ट अनुतोष अधिनियम के विभिन्न पहलुओं पर चर्चा की गई है, जिसमें विशिष्ट प्रदर्शन, कब्जा, और वास्तविक खरीदारों के अधिकार शामिल हैं।