NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1104 OF 2016
(Arising out of SLP(C)No.4492 of 2008)

PARVATHAMMA & ORS. ... APPELLANT(S)

VS.

VENKATSIVAMMA & ORS. ... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Leave granted.

2. Heard the learned counsel for the parties.

3. Upon perusal of the impugned judgment as well as the judgment delivered by the trial court, we find that the High Court ought not to have interfered with the findings arrived at by the trial court, especially in view of the fact that the partition of the property, among the family members, had taken place on 20th June, 1990, whereas the suit for partition had been filed by the Respondent-daughters in the year 1993.

4. There is no finding to the effect that at the time of partition, the parties did not agree or there was any coercion. In absence of such a factor, especially when

the partition had taken place at free will of the father of present respondents, we do not see any reason for the High Court to interfere with the order passed by the trial court. Very often, for some special reasons, not recorded in the partition deed, the properties may not be divided equally. Partition of family property, being a subject involving the family, the family members may agree to unequal partition for some just reasons.

5. In the circumstances, we allow the appeal and dismiss the suit.

6. The appeal is disposed of as allowed with no order as to costs. Judgment delivered by the trial court is restored. Pending application, if any, stands disposed of.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
9th February, 2016.