

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11344 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 30856 OF 2012]

CHHIPA FARIDMAHMED SULEMAN

Appellant(s)

VERSUS

CHHIPA M. SULEMAN KHEDAWALA & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The parties are before this Court with certain grievances regarding partition. The disputes started in the year 1987. During the pendency of the matter before this Court, several attempts were made to bring out an amicable settlement, particularly taking note of the fact that the original parties are aged 83 years and 87 years, who are real brothers, and this Court was of the view that at least at this age of their lives, they should have a peaceful evening without any litigations pending between them.

3. Thanks to the understanding of the children and the grandchildren and thanks to the

cooperation extended by the learned counsel appearing on both sides and the learned counsel who appeared for the parties at the trial stage, we are happy that an amicable settlement has been arrived at by the intervention of the Court.

4. Accordingly, this appeal is disposed of as follows :-

i) Respondent No. 1 shall pay to the appellant an amount of Rs. 36,00,000/- (Rupees Thirty Six Lakhs) within a period of 12 months from today.

ii) Within 24 hours of the payment of the said amount of Rs. 36,00,000/- (Rupees Thirty Six Lakhs), either at the expiry of the period or before the period, the appellant shall surrender vacant possession of the premises in question and hand over the same to the first respondent.

iii) On such payment and vacation of the premises in question, the entire disputes between the parties on partition shall stand concluded. In other words, there shall be no further litigations between the parties regarding

partition/gift deed, which has been the subject matter of the litigation.

5. Having regard to the age of the parties, we request the children and the grandchildren to see that the family bond is restored, which is the actual asset of the family so that the goodwill and good name of the family is continued also by the generations to come. It is made clear that for raising the amount, the parties shall cooperate for disposal of the property viz. Survey No. 1017, Jamalpur-1, Ahmedabad.

6. With the above observations and directions, the appeal is disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
September 07, 2017.

ITEM NO.1

COURT NO.5

SECTION III

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(s) for Special Leave to Appeal (C) No(s). 30856/2012

(Arising out of impugned final judgment and order dated 01-05-2012 in FA No. 5964/1998 passed by the High Court Of Gujarat At Ahmedabad)

CHHIPA FARIDMAHMED SULEMAN

Petitioner(s)

VERSUS

CHHIPA M. SULEMAN KHEDAWALA & ORS.

Respondent(s)

Date : 07-09-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Jatin Zaveri, AOR
Mr. Neel Kamal Mishra, Adv.

For Respondent(s) Mr. Deepak Dave, Adv.
Ms. Arti Singh, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed non-reportable Judgment.

Pending interlocutory applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)

PS. : A Document containing Consent Terms (in original - with corrections made by the parties) is annexed with this Record of Proceeding/Judgment.