

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 9167-9168 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 15872-15873 OF 2016]

RAVINDER KAUR

Appellant(s)

VERSUS

GAGANDEEP SINGH

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The parties have been in litigation for more than two decades. Having sensed that there is an element of settlement, this Court passed the following order on 04.07.2016 :-

"Heard learned senior counsel on both sides.

We are of the view that the minor difference of opinion between close family members should be settled amicably and we see no reason why it could not be settled amicably with a solution as acceptable to both sides. We are sure that learned senior counsel would be in a position to find out such a solution.

In that view, we request the High Court to defer the hearing which is now slated to 7th July, 2016.

Post on 8th July, 2016."

3. Thereafter, on 08.07.2016, the parties were referred to the Supreme Court Mediation Centre. The parties were still unable to reach a settlement. Thereafter, when the matter came up to this Court on 20.03.2017, after hearing the learned counsel, we requested Sh. Gopal Subramaniam, learned senior counsel, to make another attempt to purchase peace between the parties. The learned senior counsel graciously accepted the request. It is reported that there were other litigations between the parties and thanks to the cooperation extended by them, all the disputes have been amicably settled. The learned mediator has submitted a comprehensive report dated 05.09.2018. The report shall form part of this Judgment.

4. These appeals are disposed of in terms of the settlement as recorded at paragraph 20 of the Report, which is acceptable to both the parties. All other litigations referred to in Paragraph 14 are also disposed of in terms of the settlement, as indicated in the Report of the learned mediator. The settlement shall form part of the decree.

5. We make it clear that the payments referred to in Paragraph 20 of the Terms of Settlement, being part of a partition among the members of the family, shall not attract any tax by way of capital gains.

6. We record our sincere appreciation for the strenuous efforts taken by Sh. Gopal Subramaniam, learned senior counsel, who has spent months' long discussions with the parties and was finally able to persuade the parties to settle all the disputes between them. We also record our appreciation for the support given and the positive approach taken by the parties and their respective counsel.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
September 06, 2018.