

ITEM NO.4

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 2439-2440/2024

(Arising out of impugned final judgment and order dated 28-12-2023 in CMP No. 19642/2023 12-01-2024 in CMP No. 893/2024 passed by the High Court Of Himachal Pradesh At Shimla)

TEJINDER SINGH

PETITIONER(S)

VERSUS

BEVERLEY SINGH

RESPONDENT(S)

(ONLY I.A. NOS. 81280/2024 AND 90517/2024 IN SLP (C)- 2568/2024 IS LISTED UNDER THIS ITEM.)

WITH

SLP(C) No. 2568/2024 (XIV)

(IA No. 81280/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 90517/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 29-04-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Dr. A.M. Singhvi, Sr. Adv.
Mr. Rakeshwar Lall Sood, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Ankur Saigal, Adv.
Mr. Giriraj Subramaniam, Adv.
Ms. Aanchal Mullick, Adv.
Ms. Kamakshi Sehgal, Adv.
Mr. Arjun Lall Sood, Adv.
Ms. Manavi Agarwal, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. PS Patwalia, Sr. Adv.
Ms. Mansi Mridula Sharma, Adv.
Ms. Samapika Biswal, AOR
Ms. Saumya Dwivedi, Adv.

Mr. Aman Kumar Yadav, Adv.

**UPON hearing the counsel the court made the following
O R D E R**

IA No.81280/2024 in SLP (Civil) NO.2568/2024

1. On the last date of hearing, this Court had considered making a *pro tem* arrangement that could work on both sides, by dividing the built-up portion of the residential premises occupied by them at Knollswood (Shimla), pending a decision on the present petitions.

2. A site plan was submitted by Dr. A.M. Singhvi, learned Senior counsel appearing for the petitioner-husband and the same was to be responded to by the respondent-wife.

3. Today, two alternate plans have been handed over by Mr. P.S. Patwalia, learned Senior counsel appearing for the respondent-wife suggesting the manner in which the temporary arrangement could be worked out to enable both parties to independently occupy parts of the residential premises. The said site plans are taken on record.

4. Both the plans are however, unacceptable to the other side.

5. This Court has considered the submissions made by both sides and examined the site plans and is of the opinion that the built up portion can be demarcated vertically instead of horizontally with independent ingress and egress to both sides.

6. It is directed that the areas ticked in red colour on the left side of

the site plan (Mark 'A') shall be occupied by the respondent-wife and the areas cross marked in blue colour in the said plan shall be occupied by the petitioner-husband.

7. The space shown as the "proposed kitchen" in the site plan (Mark 'A'), which falls to the share of the respondent-wife, shall be constructed as a full-fledged kitchen by the petitioner-husband within three weeks from today. Till the said kitchen is established and operational, the present arrangement of the food being catered to for the respondent-wife from the existing kitchen, shall continue.

8. It is clarified that neither side shall have access to the area falling to the share of the other side nor shall they create any obstruction *qua* the ingress and egress to their portions by the other side. It is also clarified that the aforesaid arrangement is purely temporary and shall hold good, unless specifically modified by this Court.

9. List on 22nd July, 2024, for reporting compliance.

(Nand Kishor)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS

Mark A

Knollswood Main Kothi

Carpet Area

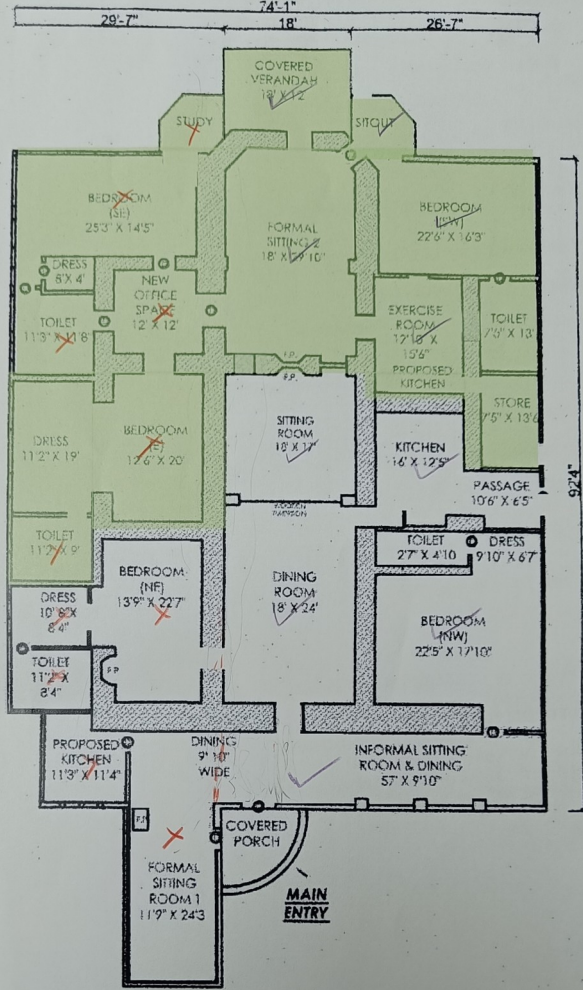
Shaded Portion for Mrs. Beverley Singh

Covered Verandah	216	Sq.Ft.
Study	70	Sq.Ft.
Bedroom SE	366	Sq.Ft.
Dress SE	40	Sq.Ft.
Toilet SE	130	Sq.Ft.
New Office Space	144	Sq.Ft.
Formal Sitting 2	536	Sq.Ft.
Bedroom E	250	Sq.Ft.
Dress E	210	Sq.Ft.
Toilet E	99	Sq.Ft.
Exercise Room	198	Sq.Ft.
Store	100	Sq.Ft.
Sitout	70	Sq.Ft.
Bedroom (SW)	365	Sq.Ft.
Toilet (SW)	125	Sq.Ft.
Total Shaded Area	2919	Sq.Ft.
(Percentage of the total house)	48.68%	

Left Area from the total

Bedroom (NW)	399	Sq.Ft.
Formal sitting room 1	284	Sq.Ft.
Proposed kitchen	127	Sq.Ft.
Dining and informal sitting room	559	Sq.Ft.
Entrance porch	90	Sq.Ft.
Toilet (NW)	60	Sq.Ft.
Dress (NW)	64	Sq.Ft.
Sitting room	306	Sq.Ft.
Dining room	432	Sq.Ft.
Kitchen	265	Sq.Ft.
Bedroom NE	310	Sq.Ft.
Toilet (NE)	93	Sq.Ft.
Dress (NE)	88	Sq.Ft.
Total Left Area	3077	Sq.Ft.
(Percentage of the total house)	51.32%	

Total Carpet Area of House
2919.00 + 3077.00 = **5996 Sq.Ft.**



Both husband and wife will have the following rights for Knollswood estate:

1. Easement rights in the estate
2. All uncovered areas / not fully enclosed areas will be common area- eg gardens. both husband and wife will have equal Access
3. Staff quarters will be divided equally
4. Driveway and car parking will be shared
5. Keys to the main gate and other small entrance gate will be with both husband and wife
6. The attic which is used for storage and drying clothes will be shared. The parties will use the attic as per the area occupied by them below.