

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.3684 OF 1999@@  
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Pralhad & Anr. Appellant(s)

VERSUS

Wasudeo & Ors. Respondent(s)

DATE : 2-5-2002: This matter was called on for hearing today.@@  
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CORAM:  
HON'BLE MR. JUSTICE U.C. BANERJEE  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Appellant(s): Mr. Uday Umesh Lalit, Adv.

For Respondent(s): Dr. Rajeev B. Masodkar, Adv.  
Mr. K.L. Taneja, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T..J.  
.SP2

Heard learned counsel for the parties from 10.40 a.m.  
to 11.25 a.m.  
The appeal is dismissed.  
No order as to costs.

.SP1  
  
(R.K. Dhawan) (D.D. Jindal)  
Court Master Assistant Registrar

(Signed order is placed on the file) ~

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3684 OF 1999@@  
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Pralhad & Anr. Appellant(s)

versus

Wasudeo & Ors.

Respondent(s)

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.  
.SP2

This appeal is directed against an order of rejection of Second Appeal relating to the effect of a document said to be a deed of partition. All the three courts below have found that the document in question cannot but be said to be in accordance with law which does not in effect favour any further alienation of the property by a party to the document and as such the sale effected by one of the parties cannot but be rendered infructuous and ineffective. The High Court in the Second Appeal relying on a decision of this Court in Ramkishorelal and another v. Kamalnarayan@@  
CC  
(AIR 1963 SC 890), as regards methodology of construction of deeds and documents came to a conclusion that there exist no error in the decree passed by the trial court, as also its affirmation by the First Appellate Court.

Learned counsel appearing in support of the appeal strongly contended that the document itself depicts a  
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restriction as regards alienation, by reason wherefor the clause is otherwise void and the clause being severable, question of challenge to the subsequent sale would not arise. In the alternative it has been contended that by reason of such a restriction, the entire transaction is void and as such parties ought to be relegated to a period anterior to the execution of the deed. We are not, however, inclined to lend credence to such submissions. The document is clear and categorical as regards its intent and following the decision of this Court in Ram Kumar (supra),@@

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we do not find any error wanting interference by this Court. More so by reason of the fact that the same has been acted upon by all concerned. There is a definite bar of any transfer or alienation and as such actions contra to such a restriction or bar can not but be decried.

This appeal, therefore, fails and is dismissed.  
No order as to costs.

.SP1

.....J  
(U.C. BANERJEE)

.....J  
(Y.K. SABHARWAL)

New Delhi,  
May 2, 2002.