

ITEM NO.101

COURT NO.14

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

Civil Appeal No(s). 1130/2016

PRATIK PARSHURAM PATWARDHAN

Appellant(s)

VERSUS

LADY RAMABAI (D) TH. LR. & ORS.

Respondent(s)

(PART-HEARD BY HON'BLE SANJAY KISHAN KAUL AND HON'BLE K.M.
JOSEPH ,JJ.)

Date : 25-07-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPHFor Appellant(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. P.R. Patil, Adv.
Mr. Rajesh Inamdar, Adv.
Mr. Javedur Rahman, Adv.
Mr. Aditya Bhat, Adv.
Mr. Ashwin G. Raj, Adv.
Mr. Gautam Talukdar, Adv.Mr. Raktim Gogoi, Adv.
Mr. Kartikeya Singh, Adv.
Mr. Gautam Talukdar, AORFor Respondent(s) Mr. Jaideep Gupta, Sr. Adv.
Mr. Prasenjit Keswani, Adv.
Mr. Upmanyu Tewari, Adv.
Ms. Gurnoor Kaur, Adv.
Mrs. V. D. Khanna, AOR

Mr. Chandra Prakash, AOR

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

After 40 years of litigation, the parties have been able to do themselves what this Court could not have done by a judgment - a fair equitable resolution of the dispute assisted by the counsels. We appreciate the constructive approach adopted by the parties and

the counsels to bring this long drawn dispute to an amicable end.

Learned counsel for the parties have handed over in the Court a site plan where the area marked with yellow boundary would vest with respondent No.2 while the remaining area would vest with the appellant. It would be noted that there are two guest houses which are in legal possession of the appellant but in physical possession of the tenants.

Insofar as the guest house stated to be measuring 2500 square feet and facing 100 feet wide road is concerned, respondent No.2 will make arrangement to get it vacated itself.

So far as, the other guest house measuring 1500 square feet is concerned, about 1/3rd of the same will now fall to the share of the appellant and approximately 2/3rd of the same will fall to the share of respondent No.2. The appellant will naturally have to get the portion falling to his share vacated from the tenants and in order for an amicable settlement he has also agreed that in the remaining portion falling in the share of respondent No.2, he will give all assistance to the appellant to get the same vacated as early as possible. Needless to say that this would have to be in the context of property having vested with respondent No.2.

The site plan is taken on record and marked as Mark 'A'.

Learned counsel for the parties stated that it may be appropriate to move a formal application to give effect to the settlement between the parties.

Learned counsel for the parties on instructions from parties state that joint measurement of the premises will also be carried out in furtherance of the settlement.

Needful be done within one week.

List on 02.08.2019 for directions.

**(ASHA SUNDRIYAL)
COURT MASTER**

**(ANITA RANI AHUJA)
COURT MASTER**