

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

IA 2/2012 in Petition(s) for Special Leave to Appeal (Civil)
No(s).8946/2012

(From the judgement and order dated 20/01/2012 in FA No.2557/2008 of The
HIGH COURT OF GUJARAT AT AHMEDABAD)

ANAR S MEHTA

Petitioner(s)

VERSUS

SANJAY A MEHTA

Respondent(s)

(For directions and office report)

Date: 03/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s)

Mr. R.S. Suri, Sr.Adv.
Mr. Dipun S. Desai, Adv.
Mr. Chanchal Kumar Ganguli, Adv.
Mrs. Pallavi Tayal Chadda, Adv.

For Respondent(s)

Mr. R.P. Bhat, Sr.Adv.
Mr. Gaurav Goel, adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.
Mr. Sunil Mittal, Adv.

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

Heard learned senior counsel for the parties.

Clause 1 of the consent order, passed by this Court on 24.4.2012, reads as under :-

"Respondent-husband has agreed that he will purchase a decent flat in decent locality admeasuring

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not less than 1500 sq.ft. i.e. about three bedroom apartment in Ahmedabad for petitioner-wife. This would be done by or before 30th of July, 2012."

Pursuant to the aforesaid direction, the husband was required to provide a decent flat in a decent locality, as indicated, by 30th July, 2012. In the present application, it has been pointed out that the accommodation/flat which was identified by the applicant situated at A/63, 6th floor, Sursagar Apartments, behind Prernatirth Derasar, Jodhpur, Satellite, Ahmedabad was not acceptable to the wife. She, in turn, had suggested alternative accommodation which was not acceptable to the applicant/husband on the ground that it is far in excess of the area to the flat that was required to be provided in accordance with the directions of this Court.

When this application came up for hearing on 4th September, 2012, we requested the learned advocates appearing for both the parties to use their good offices to bring about a reconciliation between the parties. It appears that both parties are still adamant that the flat offered/identified by either of the parties is not acceptable to other party.

Today again, Mr. R.S. Suri, learned senior counsel appearing for the petitioner-wife has suggested

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two properties, the details of which are as under :-

1. Swapna Apartment
State Bank of India Society
Ambawadi,
Ahmedabad
3 BHK
Carpet Area - 1483 sq.ft.
Price Rs.1.50 Crores
2. Sonet Apartment,
Nr. Manekbaug Hall
Manekbaug
Ahmedabad
3 BHK
Carpet Area - 1500 sq.ft.
Price Rs.1.70 Crores

Mr. R.P. Bhatt, learned senior counsel appearing for the applicant-husband has expressed his inability to accept the aforesaid offer on the ground that the price indicated therein is far beyond the means of the applicant/husband.

Having considered the entire matter, we are of the opinion that even at this stage, there is a possibility of resolving the stalemate, with the assistance of a Court appointed Commissioner. To avoid any further controversy, we shall refrain from making any appointment of a person who may be, in any manner, associated with Ahmedabad Court.

The Registrar of this Court shall identify and nominate a suitable person who should be either a qualified Surveyor or an Engineer to evaluate the suitability of accommodation which would comply with the conditions contained in Clause 1 of the consent order.

For this reason, the Surveyor shall also consider any options which may be put forward by the respective parties including the two aforesaid properties suggested by Mr. R.S. Suri.

Let the report of the Surveyor be submitted to this Court within a period of one month. The Surveyor's report should also indicate the market price of a suitable flat of the dimensions in Clause 1 of the order in a suitable locality as an alternative. The final remuneration of the Surveyor shall be fixed on submission of the Report.

List the matter after one month.

(Sukhbir Paul Kaur)

Court Master

(Indu Bala Kapur)

Court Master