

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

CONTEMPT PETITION (C) NOS. 162-165 OF 2009

IN

TRANSFER PETITION (C) NOS. 609-612 OF 2004

MANVINDER KAUR ... PETITIONER (S)

Versus

HARSHARAN KAUR AND OTHERS ... RESPONDENT(S)

O R D E R

With regard to family disputes between the parties, litigation was going on before some courts. Transfer Petitions were filed before this Court wherein on July 7, 2006, this Court passed an order that an attempt should be made by the parties to get their disputes amicably settled. Dr. Sudhir Jain, Mediator, Permanent Mediation Cell, Tis Hazari Court, Delhi was requested to proceed with the mediation and the parties were directed to appear before him. In pursuance thereof, parties appeared before the Mediator and ultimately, a settlement was arrived at between the parties on August 18, 2006. Different parties were given different properties or shares, details of which are

2

not relevant for the present controversy. As regards the agricultural land, ad-measuring 7.5 acres situate in Village Niharsi, District Ambala (Haryana) (for short 'land'), it was agreed to between the parties in the settlement that 40% of the land (which as per the respondents therein - Harsharan Kaur, Depinder Kaur,

Ramandeep Kaur, Satinder Pal Singh and Dr. Pushpinder Sapra

is free from all kinds of encumbrances/mortgage) shall vest

in petitioner No. 2 (present petitioner Manvinder Kaur).

It

was agreed in the settlement that

Manvinder Kaur shall be

entitled to get mutation of 40% of the land in her name to

the exclusion of the respondents therein and she will be

entitled to the exclusive physical possession of the said

land.

2. The grievance of the petitioner is that all the

obligations under the settlement that were to be discharged

by her have been discharged; the respondents acquired

right, title or interest in their respective shares as per

the settlement but insofar as she is concerned, she has yet

not got actual physical possession of the 40% of the land,

although mutation has been made in her favour.

3. Pursuant to the notice issued by this Court, counter-

affidavits have been filed separately by respondent Nos.

1,2, 3 to 5 to which separate rejoinder-affidavits have been

3

filed by the petitioner.

4. It appears that Ishwar Singh, Tehsildar, Ambala has

expressed his inability to deliver actual physical

possession of 40% of the land, which came to the

petitioner's share, on the ground that until partition of

the entire land takes place after following the procedure

under Section 111 of the Punjab Land Revenue Act, actual

physical possession cannot be delivered.

According to the

Tehsildar, no demarcation can be carried out.

5. We are afraid the stance of the Tehsildar, Ambala is

not in accord with the terms of settlement entered into

between the parties which got seal of approval from this

Court on April 5, 2007. As a matter of fact, in the order

dated April 5, 2007, this Court had directed all the courts

and the authorities to pass appropriate orders in terms of

the settlement. Statement of counsel for the parties was also recorded in that order that their clients shall abide by the terms and conditions of the said settlement.

6. In view of the above, petitioner must be delivered exclusive physical possession of 40% of the land as per paragraph 2 of the terms and conditions of the settlement dated August 18, 2006.

7. We, accordingly, direct Tehsildar, Ambala to deliver exclusive physical possession of 40% of the land to the

4

petitioner - Manvinder Kaur as per paragraph 2 of the terms and conditions of the settlement. This exercise shall be completed as early as possible and in no case, later than four weeks from today. Respondents Nos. 1,3,4 and 5 are

directed not to create any hindrance or obstruction in any manner, whatsoever, in the act of Tehsildar, Ambala in carrying out this order. If necessary, Tehsildar, Ambala may take police help in carrying out this order.

8. Contempt Petitions stand disposed of accordingly.

.....J.
(R.M. LODHA)

.....J.
(JAGDISH SINGH KHEHAR)

NEW DELHI
OCTOBER 21, 2011.

5

ITEM NO.38

COURT NO.10

SECTION XVIA

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

CONTEMPT PETITION (C) NO. 162-165 OF 2009 IN T.P.(C) 609-612/2004

MANVINDER KAUR

Petitioner(s)

VERSUS

HARSHARAN KAUR & ORS.

Respondent(s)

(With office report)

Date: 21/10/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Ms. Indu Malhotra, Sr.Adv.
Mr. S.S.Ray, Adv.
Ms. Rakhi Ray, Adv.
Ms. Rajan Tyagi, Adv.

For Respondent(s) Mr. Shivaji M. Jadhav, Adv.

Mr. M.P. Jha ,Adv
Mr. Ram Ekbal Roy, Adv.
6

Mr. Harshvardhan Jha, Adv.

Mr. Mohit Chaudhary, Adv.
Ms. Rashi Bansal, Adv. for
Ms. Puja Sharma ,Adv

UPON hearing counsel the Court made the following

O R D E R

Contempt Petitions stand disposed of in terms of
signed order.

(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]