

JAL  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO(S). 9510 OF 2010  
NITENDRA GUPTA (D) THR.LRS. APPELLANT(S)  
VERSUS  
VIRENDRA GUPTA & ORS. RESPONDENT(S)  
WITH  
C.A. No. 9511/2010

O R D E R

The central issue to be decided in these appeals is reflected in the order dated 30.11.2016 and, therefore, we reproduce this order in its entirety:

â- SThe preliminary decree passed on 18 th September, 2006 has become final between the parties. The partition of the immovable property situate at 87, Sunder Nagar, New Delhi by meets and bounds cannot be done. To do the complete justice between the parties, the only option is to sell the property or either of the brothers may purchase the share of the other.

We feel it appropriate that each of the brothers may get the current market value of the property evaluated by their own valuer and submit a report in a sealed cover within a month.

List these appeals on 10 th January, 2017.

The Court will consider as to whether any of the brothers can purchase the share of the others by offering appropriate price on the next date of

2  
hearing.â- \235

It may only be added that the dispute is among three brothers relating to the division of property bearing No.87, Sunder Nagar, New Delhi. As per the preliminary decree, shares of Virendra Gupta and Robindra Gupta are 30 per cent each and that of 3 rd

brother Nitendra Gupta (since dead), which stands inherited by his wife Mamta Gupta, is 40 per cent. There is no dispute about the aforesaid facts.

The apportionment of the property in the aforesaid shares is the result of family settlement which was arrived at on 14.09.1982 between these three brothers and one sister â- Meena Sengupta as well. At the time of family settlement, Meena Sengupta was paid a sum of Rs.1,50,000/- (Rupees one lac fifty thousand only) in the year 1982 which she accepted. In the suit for partition in the Delhi High Court that was filed by Virendra Gupta as plaintiff, Meena Sengupta was also impleaded as defendant No.3. She, however, never appeared not only in the suit but even in appeals that were filed against some of the orders passed in the suit. Once the preliminary decree has become final, it is not open to her to challenge the same, which she has attempted to do by filing Civil Appeal No.9511/2010 (arising out of SLP(C) No.17728/2008). Even otherwise after filing Civil Appeal No.9511/2010, she did not appear in the Court either on 10.01.2017 or today. Civil Appeal No.9511/2010 is, accordingly, dismissed.

3  
In pursuance of the direction contained in the order dated 30.11.2016 passed by this Court, all the three parties have filed their Valuation Reports. As per the valuation report of Mamta Gupta, widow of Nitendra Gupta, the market value of the property is Rs.69.60 crores. Robindra Gupta has given the valuation report stating the value of the property at Rs.86.75 crores, whereas valuation report submitted by



VIRENDRA GUPTA & ORS. Respondent(s)  
(With appln.(s) for directions, directions, permission to file  
documents, permission to file documents and office report)

WITH  
C.A. No. 9511/2010  
(Office Report)

Date : 12/01/2017 These appeals were called on for hearing today.

CORAM : HON&#39;BLE MR. JUSTICE A.K. SIKRI  
HON&#39;BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mr. A.S. Chadha, Sr. Adv.

Mr. Alok K. Agarwal, Adv.

Mr. Ravi Chandra Ganesh, Adv.

Mr. Rajesh Kumar, Adv.

Ms. Garima Prashad, Adv.

Mr. M. C. Dhingra, Adv. (N.P.)

For Respondent(s) Mr. Vikas Singh, Sr. Adv.

Mr. Arvind Nayar, Adv.

Ms. Nandadevi Deka, Adv.

Mr. Kapish Seth, Adv.

Mr. Praveen Agrawal, Adv.

Respondent-in-person.

Mr. M. C. Dhingra, Adv. (N.P.)

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

C.A.No.9511/2010

The civil appeal is dismissed in terms of the signed  
order.

7

C.A. No. 9510/2010

The civil appeal is disposed of in terms of the  
signed order.

Pending applications also stand disposed of.

(SWETA DHYANI) (MALA KUMARI SHARMA)

SR.P.A COURT MASTER

(Signed order is placed on the file)