

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2651 OF 2006

KANAPPALLY BALAN

Appellant (s)

VERSUS

KIZHAKKE NATHAPARAMBIL DEVI & ORS.

Respondent(s)

O R D E R

On 9.12.2010, matter was referred to Mediation Centre at Kochi, Kerala with a direction to the parties to appear before the said centre on 27.1.2011. It appears that on account of sincere efforts being made by the learned Mediator, parties have amicably settled all the issues pertaining to the suit property. Accordingly, a Settlement has been arrived at between the parties through the mediation. This has been signed by all the parties and their respective advocates. Photocopy of the same has been sent to this Court. From the conduct, behaviour and attitude of the parties, it is clear that all disputes have now come to an end and they are desirous that a decree in terms of the Settlement be passed.

We, therefore, direct the Munsiff, Vadakara to pass a final decree in O.S. No.3 of 2000 in the light of the Settlement. The aforesaid terms and conditions, on which the Settlement has been arrived at between the parties, are recorded hereinbelow in these proceedings also:

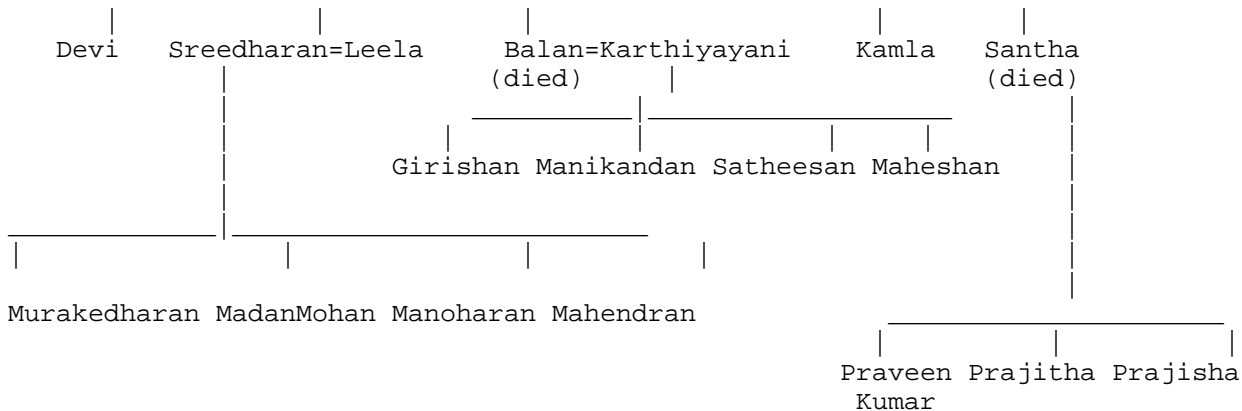
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"A) The genealogy of the parties to the suit for partition are:

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KELU

_____ | _____
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The suit O.S. No.3/2000 for partition on the file of Munsiff, Vadakara was decreed allotting 1/5 share of the plaint schedule property, to each of the 5 children of deceased Kelu. The total extent of the property is 14.30 cents. The house, well and site is in 7 cents of the said property. The 1st defendant/revision petitioner, deceased Balan claimed allotment of the house occupying 7 cents in his name.

B) Out of the 5 children of deceased Kelu, three of them have died. The legal heirs of the deceased and the two living children of deceased Kelu have come to a settlement that it is impossible to divide the property equally between the parties and have concurred that the entire plaint schedule property can be sold and the proceeds shared by the parties. The parties have undertaken that they will all, in their individual capacities look out for prospective purchasers for the plaint schedule property and house, and finalize the deal on the highest bidding purchaser. The parties have agreed that 18 months time, from the date of order on the compromise petition shall be the time within which the sale is to be finalized.

C) The parties agree that the additional revision

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petitioners, wife and children of deceased Balan (1st defendant) in consideration of giving up their claim for allotment of the house in their name, will be given the value of 3¼ cents out of the total 14.30 cents. The other sharers (4 in number) have agreed to divide equally the value obtained after deducting the share given to the legal heirs of 1st defendant.

D) The parties agree that the materials of the house in the property also can be sold and the proceeds shared consistent with the share of the parties. The legal representatives of deceased 1st defendant/present additional revision petitioners undertake to vacate the house in the suit property after the sale agreement is signed and before the sale is registered, with the prospective purchasers.

E) The parties agree that the Hon'ble Supreme Court may direct the Munsiff Vadakara to pass a final decree in O.S. No.3/2000 in consonance with the terms of this compromise.

F) The parties to the C.R.P. No.383/03 agree that the CRP may be disposed of in terms of the above compromise."

Final direction in this regard would now be passed by Munsiff, Vadakara.

With the aforesaid directions, this appeal stands disposed of, but with no order as to costs. Interim order, if any, stands vacated.

Office is directed to remit a copy of this order to

the Munsiff, Vadakara forthwith.

.....J.
(DEEPAK VERMA)

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.....J.
(K.S. RADHAKRISHNAN)

NEW DELHI,
NOVEMBER 23, 2011.

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ITEM NO.102

COURT NO.12

SECTION XIA

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

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(With office report)

Date: 23/11/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s) Dr. Sushil Balwada, Adv.
Mr. K. Rajeev,A.O.R.

For Respondent(s) Mr. Shakil Ahmed Syed,A.O.R.

UPON hearing counsel the Court made the following

O R D E R

In terms of signed order, this appeal stands
disposed of, but with no order as to costs. Interim
order, if any, stands vacated.

Office is directed to remit a copy of this
order to the Munsiff, Vadakara forthwith.

(A.D. Sharma)
Court Master

(S.S.R. Krishna)
Court Master

(Signed Order is placed on the file)