

ITEM NO.102

COURT NO.3

SECTION XII

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS
 CIVIL APPEAL NO(s). 8056 OF 2001

M/S. BHARATHAN THEATRES LTD.

Appellant (s)

VERSUS

V.T. RANGANAYAKI ANNI & ANR.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 3450-3451 of 2010

(With office report)

Date: 20/01/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE A.K. PATNAIK

For Appellant(s)

Mr. K.K. Mani, Adv.
Mr. Abhishek Krishna, Adv.

Mr. Hari Shankar K, Adv.

For Respondent(s)

Mr. T. Harish Kumafr, Adv.
Mr. P. Prasanth, adv.
Mr. V. Vasudevan, Adv.
Mr. Hari Shankar K, Adv.

Mr. K.K. Mani, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appellant's counsel files a copy of the order passed in execution of the decree for partition in the court today.

The issue involved in these appeals relates to the nature of possession of the appellant. The appellant was the tenant of the

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premises where a cinema theatre has been constructed by the appellant.

The appellant purchased half share in the suit property from one of the co-owners and the respondents who were the other co-owners filed a suit for partition and that suit was

decreed and a final decree was passed. According to the appellant, in execution of the said decree, the property has been divided in such a manner that the entire land on which the cinema theatre is situated (measuring about 50.96 cents) has been allotted to it and the other co-owners have been allotted 4.90 cents with a direction to the appellant to pay Rs.55,56,937/- (Rupees fifty five lakhs fifty six thousand nine hundred thirty seven) as compensation. The appellant therefore submitted that it has become the owner of the property where the theatre is situated and therefore, his possession is that of an owner.

On the other hand, learned counsel for the respondent submitted that said order was passed on 20.10.2010 and his client intends to challenge the same before the appellate court.

On the facts and circumstances, we are of the view that without prejudice to the rights of the respondents to challenge the said order, this is a fit case for a negotiated settlement. We, therefore, refer the matter to mediation and direct both parties to appear before the Madras High Court Mediation Centre on 7th February, 2011 at 11.00 a.m. without further notice.

This matter is adjourned by four weeks to await the report of the Madras High Court Mediation Centre.

(O.P. Sharma)

(M.S. Negi)

Court Master

Court Master