

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). 1384 OF 2001

HIRA SINGH & ANR

Appellant (s)

VERSUS

SHEELA DEVI (DEAD) BY LRS. & ORS

Respondent(s)

(With office report)

Date: 09/03/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Appellant(s)

Mr. Rajiv Dutta, Sr.Adv.

Mr. R. Nedumaran, Adv.

Ms. Humayunisa, Adv.

Mr. Rajiv Rufus, Adv.

Mr. R.K. Bhatt,Adv. (NP)

For Respondent(s) Mr. P.D. Sharma,Adv.

UPON hearing counsel the Court made the following

O R D E R

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

(N. Annapurna)

Court Master

(Vijay Dhawan)

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1384 OF 2001

Hira Singh & Anr.
...Appellants

Versus

Sheela Devi (Dead) by Lrs. & Ors.
...Respondents

O R D E R

Pursuant to our order dated 16th February, 2006, the parties have given to us their offers in sealed covers. The offers were opened in Court and it is found that the appellant Hira Singh has offered a sum of Rs.7 lakhs for the house in question whereas respondent No.B-Bharat Singh, son of Sheela Devi, has offered Rs.7.50 lakh s. Since the offer of Bharat Singh is higher than that of Hira Singh, his offer is accepted. In this view of

the matter, Bharat Singh will have the first option to purchase the share of the remaining co-sharers. He shall do so within four weeks from today. For this purpose, he shall file an application before the Executing Court and the payment shall be made in accordance with the directions of the Executing Court. In case Bharat Singh is unable to make the payment within the time prescribed, the second option may be exercised by Hira Singh to purchase the property. The offers made by the parties be kept on record.

It is stated by Bharat Singh that pursuant to earlier orders of the Court, he has deposited a sum of Rs.1.28 lakhs in the Executing Court. It is not possible for us to enquire into that aspect of the matter. It will be open to him to make an appropriate application before the Executing Court and claim adjustment. This, however, should not be understood as extension of the period to make payment as directed by us.

The civil appeal is disposed of accordingly.

.....J.

(B.P. SINGH)

.....J.

(ALTAMAS KABIR)

New Delhi,

March 09, 2006.