

N.K. Saraswati Amma & Ors. ..Appellant

Versus

Bhavani Rajamma & Ors. ..Respondent

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.SP2

The only question raised is the interpretation of Ext. A.1, the Partition Deed.

The submission for the petitioners is, in view of Clause 8 of the said Partition Deed, the property vests absolutely in party Nos. 1 and 3, hence, the consequential disbursement of the said property, recorded in Clause 9, after the death of party Nos. 1 and 3 is redundant and is of no consequence.

We have heard learned counsel for the parties. We find, the High Court has given good reasons and clear distinction, while interpreting the said two clauses. It drew distinction of the interpretation between a Partition Deed and a gift deed or a will. The present case is a partition deed, where all parties, including the claimants are parties and are bound by it, hence Clause 9 could not be said to be redundant. Even if Clause 8 refers to the rights of party Nos. 1 and 3 to be absolute right it is subject to Clause 9. The High Court has interpreted the said absolute right to be limited during their life time, in view of Clause 9. We find the High Court has given cogent and good reasons for arriving at the said conclusion, which we uphold. Such an interpretation is given concurrently by all the three Courts below.

For the said reasons, we do not find any reason to interfere. Accordingly the Civil Appeal is dismissed. Parties to bear their own costs.

.SP1

.....J.
(A.P. MISRA)

.....J.
(U.C. BANERJEE)

New Delhi,
April 19, 2001