

ITEM NO.10

COURT NO.5

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 15668/2012

(Arising out of impugned final judgment and order dated 27/03/2012  
in WP No. 4669/2011 passed by the High Court Of Bombay At  
Aurangabad)

ANILKUMAR JINABHAI PATEL

Petitioner(s)

VERSUS

PRAVINCHANDRA JINABHAI PATEL & ORS.

Respondent(s)

(with interim relief and office report)

WITH

SLP(C) No. 15741/2012

(With Interim Relief and Office Report)

Date : 26/02/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Chander Uday Singh, Sr. Adv.  
Mr. Pratap Venugopal, Adv.  
Ms. Supriya Jain, Adv.  
Mr. Gaurav Nair, Adv.  
Ms. Niharikha Kaim, Adv.  
Mr. P.S. Sudheer, Adv.  
Mr. Rishi Maheshwari, Adv.  
Ms. Anne Mathew, Adv.

M/s. K. J. John & Co., Adv.

For Respondent(s) Mr. v.A. Mohta, Sr. Adv.  
Ms. Minakshi Arora, Sr. Adv.  
Mr. Aniruddha P. Mayee, Adv.  
Mr. Charudatta Mahindrakar, Adv.  
Mr. Nilakanth, Adv.  
Mr. Shashi Bhushan Adgaonkar, Adv.  
Mr. A. Selvin Raja, Adv.

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

This Court, on 24.02.2015, had passed the following order :

"Mr. C.U. Singh, learned senior counsel appearing for the petitioners, in the presence of Mr. Vikram Anilkumar Patel, son of Anil Kumar Patel, has submitted that he is prepared for mediation and if any default has occurred at any point of time is that because of some mis-communication.

Mr. V.A. Mohta, learned senior counsel appearing for the respondents, in the presence of Ms. Kalpita Dalipkumar Patel, daughter of Mr. Pravinchandra Jinabhai Patel, after a lot of deliberation has agreed to the same.

As agreed to by the parties, they shall meet today in the office of Mr. C.U. Singh, learned senior counsel, at 5.30 p.m.

It is hereby made clear that Vikram Anilkumar Patel shall not take the plea that he will consult his father and seek postponement of deliberations.. The said direction shall also be applicable for Ms. Kalpita Dalipkumar Patel.

Let the matter be listed on 26<sup>th</sup> February, 2015. As agreed to by the learned counsel for the parties, it shall be taken up at 2.00 p.m."

Today, Mr. C.U. Singh, learned senior counsel appearing for the appellant and Mr. V.A. Mohta and Ms. Meenakshi Arora, learned senior counsel for the respondents, submitted that they have been instructed to state that there has been some discussion between the parties in presence of the advocates-on-record and at times there had been intervention by the senior counsel to arrive at a settlement. We have been apprised that the parties have almost arrived at a settlement but there is some arena where there is a difference.

Regard being had to the aforesaid submissions at the Bar, we heard Mr. Vikram Anilkumar Patel and Ms. Kalpita Dalipkumar Patel in person at length. Before us, a document containing three pages has been produced which indicate the items of the property where there is agreement and disagreement. As per the discussion, prima facie, the following properties have been agreed to go to Mr. Vikram Anilkumar Patel :

"TABLE 'A'

Sl.No.	Description
1.	Mahesh Society ' Block No.4.
3.	236/2A, Block No.4 - Chandan Appt.
5.	G.No.248/1, Mehrun.
6.	GTS No.2703, Jalgaon.
7.	Gat No.12/1, Nimkhedi - 40.47R+40.41R = 80.94R
9.	Gat No.139, Jalgaon - Plot No.47, 48 and 49.
10.	Gat No. 253, Plot No.19, Mehrun.
12.	Gat 10.5496 sq. Mts.
15.	1907/A, Jalgaon, 153, Palan Peth Jalgaon.
17.	S. No.477 - Plot No.23, S.No.430, Plot No.13614 Mehrun Shivar.
18.	502, Prabhat Complex, Rajkot
21.	Gat No.11, Nimkhedi.
17.	CTS 1916 Jalgaon, Shivar, 159, Polan Peth.
5.	29-37, Awane Gat No.348/3 Plots
1.	S. No.132/2B/2/A Jalgaon Shivar."

As, prima facie, agreed, Table 'B' shall go to Mrs. Kalpita Dalipkumar Patel :

"TABLE 'B'

Sl.No.	Description
4.	Gat No.315, Kadholi,
5.	96, Gat No.348/3, Awane, Plot
11.	Gat No.18/1 Nimkhedi
13.	Gat No.119, Nimkhedi
14.	Gat No.299, Bambhori, Adv.
15.	9, Gat No.109, Nimkhedi Plot.
16.	Gat No.47/1 Khedi
18.	Gat No.253, Mehrun Shivar, Plot No.20
19.	-2 <sup>nd</sup> Part CS No.2253/2253 A-2
20.	Gat No.171 Jilla Peth (Tondapurwala Bldg.)
22.	S.No.477, Plot No.40-41, 42 Mehrun.
24.	Flat No.773, Takshshila Appt., Rajkot

25.	S.No.243/2a/2, Vrundavan Appartments (All Flats)
26.	S. No.232/2B, Plot No.9, Jalgaon Shivar, Adv. AS Chart (Building)
11	30, 31, 11, Gat No.109, Nimkhedi Shivar.
22	Gat No.44, Plot No.18, Pimprala Shivar."

The area of dispute are enumerated hereunder :

"CHART 'I' - NIMKHEDI

Sl.No.	Description
1.	Gat 10 (BJP)
2.	Gat 12/1 BJP/PJP/AJP
3.	Gat 13 JVP/BBP/PJP/AJP/DAP/CAP/VAP
4.	Gat 14
5.	Gat 12/2 True Food Corporation
6.	Gat No.15 VJP."

"CHART 'II'

Sl.No.	Description
14.	AJP S. No.1897/B-1, Dagdu Mistry Godown (BJP)
13.	AJP S. No.74, Jalgaon, 180/1, Jillapeth Jalgaon (VJP (Res))"

"CHART 'III' - PIMPRALA

Sl.No.	Description
8.	Gat No.41/1/1 AJP + PJP 37R 37R
9.	Gat No.36/4 (AJP)"

"CHART 'IV' - Properties at Jalgaon (Equal Distribution)

Sl.No.	Description
4.	AJP Gat No.252/2 Pimprala.
6.	PJP Gat No.166, Pimprala.
7.	PJP Gat No.167, Pimprala
12.	PJP Gat No.280/2A/1,2,3."

"CHART 'V'

Sl.No.	Description -
1.	Flat - E-1, Kalpita Enclave, Andheri, Mumbai, Maharashtra"

We will be failing in our duty, if we do not take note of the submission put forth by Ms. Kalpita Dalipkumar Patel that Table 'B' will be balanced, if the part of properties mentioned in Chart 'III' and Chart IV are included in it, i.e. property nos. 8,9 and 12.

Mr. Vikram Anilkumar Patel submitted that he has no objection if 8 and 9, are given to Ms. Kalpita Dalipkumar Patel if she would abandon her claim in respect of the properties covered under Chart 'I'. Be it noted, there is a factory called "Vikram Platics". The parties have agreed to share the same 50:50.

In view of the aforesaid, we think a former Supreme Court Judge should be nominated as Mediator and we nominate Mr. Justice R.V. Raveendran, formerly Judge of this Court to mediate. Learned counsel for the parties shall produce a copy of the order before the learned Mediator who shall fix a date. Mr. Vikram Anilkumar Patel and Ms. Kalpita Dalipkumar Patel have fairly stated that they will cooperate in the mediation proceedings and shall affirmatively endeavour with all sincerity to see that a settlement is arrived at. The learned Mediator, needless to say, can go beyond whatever he thinks fit and appropriate in the facts and circumstances of the case. Be it stated that the parties have agreed that the learned Mediator may mediate in respect of the properties that have been sold by the parties and the cash claims raised against each other.

The most important thing that is required to be noted is that Mr. Vikram Anilkumar Patel and Ms. Kalpita Dalipkumar Patel, both represent their families and they have no hesitation or inhibition whatsoever to get the matter settled as they do not intend to procrastinate the litigation.

As agreed to by the learned counsel for the parties, the parties shall bear the travelling expenses of the learned Mediator and pay a lumpsum amount of Rs.3,00,000/- (Rupees three lacs only) towards fee for the whole mediation sittings. The expenses and fees shall be shared proportionately. The sittings for mediation, as agreed to, shall be held at Delhi.

We request the learned Mediator to proceed with the mediation

and send a report to this Court within six weeks.

Let the matter be listed on 29.04.2015. Mr. Vikram Anilkumar Patel and Ms. Kalpita Dalipkumar Patel shall remain personally present on that day. Mr. Hemant Sharma, who is assisting Ms. Kalpita Dalipkumar Patel, shall also remain personally present on the next date of hearing.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master