

SECTION IV  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8193 OF 2010

Mukhtiar Singh & Ors.

....Appellants

VERSUS

Gurdial Kaur & Ors.

....Respondents

OFFICE REPORT FOR DIRECTION IN DISPOSED OF MATTER

The appeal above mentioned alongwith contempt petitions was listed before this Court on 10.02.2016, when the Hon'ble Court was pleased to *inter-alia* passed the following order:

"....Notwithstanding that, the settlement arrived at between the parties is to the effect that the entire land of 90 Kanals and 17 Marlas would be divided into two parts, i.e., 50 per cent of the aforesaid land measuring 45 Kanals and 8½ Marlas would be given by the respondents to the appellants. We make it clear that as per the settlement 45 Kanals and 8½ Marlas would be in the ownership of the respondents and the appellants would be owners of the remaining half share i.e., 45 Kanals and 8½ Marlas. The Revenue Record shall be amended accordingly.

Learned counsel for the respondents states that during the pendency of the present appeal, the appellants had taken possession of the entire land, which fact is disputed by learned counsel for the appellants. Be as it may, learned counsel on both sides agree that land in question needs to be partitioned and half and half possession be given to the respective parties. In order to carry out the actual partition it is further suggested by learned counsel on both sides that a Court Commissioner be appointed in this behalf. We, accordingly appoint Shri Sanjay Sandhir, Member of Haryana Judicial Services, who presently is the Principal Private Secretary to the Chief Justice of Punjab & Haryana High Court for this purpose. He will visit the site alongwith the parties and their representatives to effect the actual partition and handover 50 per cent of the land to each party. His fee, at present is fixed at Rs. 1, 00, 000/-, which shall be shared by both the parties equally.

The appeal is disposed of in above terms...."

It is submitted that letter dated 27.07.2016 has been received by post from Sanjay Sandhir, Additional District & Sessions Judge, Principal Secretary to Hon'ble the Chief Justice, Punjab & Haryana, High Court, Chandigarh mentioning the facts and circumstances for kind consideration and for further directions.

At para no. 18 it is stated there are certain discrepancies with regard to the area of some of the Khasra Numbers of the land in question as per Jamabandi and the Field Map. Besides this, some land in question has also been sold (Copy of the report alongwith the annexures are annexed herewith for the kind perusal of the Hon'ble Court).

As regards fees of Court Commissioner, it is stated that he has received a sum of Rs. 50,000/- vide Cheque no. 004419 dated 22.03.2016 from Dr. Sarbjit Sharma, (Counsel for LR's of Gurdial Kaur, Respondent) towards payment of 50% of the Court Commissioner fee payable to him as per order dated 10.02.2016. The copy of the cheque is Annexure-A and the copy of the receipt is Annexure-A1. However no fee has so far been paid to him by the appellants Mukhtiar Singh etc.

Hence, Office Report for Direction in the appeal above mentioned is listed before the Hon'ble Court.

Dated this the 09<sup>th</sup> August, 2016.

**Sd/-**  
**ASSISTANT REGISTRAR**

**Copy to:**

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