

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4780 OF 2007

Mini Peter Philips ..Appellant

versus

Dina J.S. Fanibanda and others ..Respondents

O R D E R

Heard Mr. Vinay Navare, learned counsel representing the appellant, and Mr. R.A. Shaikh, learned counsel representing respondent no.1 and perused the record.

The present controversy relates to a dispute between the appellant and respondent no.1, with reference to their respective shares in Sleater House No.2, Flat No.7, 3rd Floor, Sleater Road, Grant Road, Mumbai-400007.

Learned counsel for the appellant has identified the appellant, who is present in Court in person. Learned counsel for respondent no.1 states, that he has absolute instructions from respondent no.1, to settle the matter on her behalf.

Consequent upon a statement made by the appellant, who is present in Court in person, as also the acknowledgment thereof by the learned counsel representing respondent no.1, we record the following settlement between the parties:

1. The appellant and respondent no.1 both agree that the instant appeal be disposed of by declaring that the appellant and respondent no.1 have equal share/right in the flat fully

described above.

2. The parties have agreed to put the above flat to sale, and to share the proceeds thereof equally.

3. It is also agreed, that for the sale of the above flat, both parties will search for prospective buyers by adopting whatever means they choose. They shall do so up to 30.06.2015. The highest bidder will be entitled to the purchase of the flat in question.

4. In case either of the parties desire to purchase the flat, it would be open to them, as a preferential right, to pay half of the amount offered by the highest bidder to the other party.

5. Consequent upon the sale, in the terms reflected hereinabove, an appropriate application shall be made jointly by the appellant and respondent no.1, for transfer of the flat, to the name of the purchaser.

Learned counsel for the rival parties shall assist in the effectuation of the sale and equal distribution of proceeds thereof, between the appellant and respondent no.1, as has been agreed between the parties.

The instant appeal is disposed of in the aforesaid terms.

.....J.
[JAGDISH SINGH KHEHAR]

.....J.
[ARUN MISHRA]

NEW DELHI;
NOVEMBER 27, 2014.

.....J.
[ADARSH KUMAR GOEL]

ITEM NO.103

COURT NO.4

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

Civil Appeal No(s). 4780/2007

MINI PETER PHILIPS

Appellant(s)

VERSUS

DINA J.S.FANIBANDA & ORS.

Respondent(s)

Date : 27/11/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Appellant(s) Mr. Vinay Navare, Adv.
Mr. Satyajeet Kumar, Adv.
for Ms. Abha R. Sharma, AOR (NP)

For Respondent(s) Mr. R.A. Shaikh, Adv.
Mrs M. Qamaruddin, Adv.
Mr. M. Qamaruddin, Adv.

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

The application for deleting the name of respondent nos. 9 and 11 is allowed in terms of the prayer made.

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

(Parveen Kr. Chawla)
Court Master

(Renuka Sadana)
Court Master

[signed order is placed on the file]