

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.1104 OF 2016
(Arising out of SLP(C)No.4492 of 2008)**

PARVATHAMMA & ORS.

... APPELLANT(S)

VS.

VENKATSIVAMMA & ORS.

... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Leave granted.
2. Heard the learned counsel for the parties.
3. Upon perusal of the impugned judgment as well as the judgment delivered by the trial court, we find that the High Court ought not to have interfered with the findings arrived at by the trial court, especially in view of the fact that the partition of the property, among the family members, had taken place on 20th June, 1990, whereas the suit for partition had been filed by the Respondent-daughters in the year 1993.
4. There is no finding to the effect that at the time of partition, the parties did not agree or there was any coercion. In absence of such a factor, especially when

the partition had taken place at free will of the father of present respondents, we do not see any reason for the High Court to interfere with the order passed by the trial court. Very often, for some special reasons, not recorded in the partition deed, the properties may not be divided equally. Partition of family property, being a subject involving the family, the family members may agree to unequal partition for some just reasons.

5. In the circumstances, we allow the appeal and dismiss the suit.

6. The appeal is disposed of as allowed with no order as to costs. Judgment delivered by the trial court is restored. Pending application, if any, stands disposed of.

.....J.
[ANIL R. DAVE]

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

New Delhi;
9th February, 2016.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).4492/2008

(Arising out of impugned final judgment and order dated 07/03/2007 in AS No.2408/2000 passed by the High Court Of A.P. At Hyderabad)

PARVATHAMMA & ORS.

Petitioner(s)

VERSUS

VENKATSIVAMMA & ORS.

Respondent(s)

(With appln.(s) for permission to file additional documents and interim relief and office report)

Date : 09/02/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. V.V.S. Rao,Sr.Adv.
Mr. Y. Raja Gopala Rao,Adv.
Ms. Vijayshree Pattnaik,Adv.
Mr. K. Sharat Kumar,Adv.

For Respondent(s) Mr. D. Ramakrishna Reddy,Adv.
For Mrs. D. Bharathi Reddy,Adv.

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

Leave granted.

The appeal is disposed of as allowed with no order as to costs in terms of the signed Non-reportable judgment.

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed Non-reportable judgment is placed on the file)