

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4925 OF 2006

CHAMAYATH CHERIYANNAL (D) TH LRS. & ANR. ... APPELLANT(S)

VS.

CHAMAYATH CHERIYANNAL HAJIROMMABI & ORS. ... RESPONDENT(S)

J U D G M E N T

Anil R.Dave, J.

1. Heard the learned counsel.
2. Upon perusal of the impugned judgment as well as the judgment delivered by the Trial Court, we are of the view that the findings arrived at by the Trial Court with regard to the partition among the members of the Tarwad were correct and in our opinion the High Court ought not to have interfered with the said findings.
3. Once there was a partition among the members of the Tarwad, and when there are two different thavazhy, namely Attakoya thavazhy and Syed Koya thavazhy, and when some share of one thavazhy had been gifted, the same could not have been objected to by a member of another thavazhy.
4. For the aforesaid reason, we agree with the findings arrived at by the Trial Court. We set aside the impugned judgment delivered by the High Court and restore the order and decree passed by the Trial Court.

5. In view of the above, the civil appeal is disposed of as allowed. No order as to costs.

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

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

New Delhi;
4th February, 2016.



JUDGMENT