

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7471 OF 2008

GURBACHAN SINGH (D) THR. LRS . & ANR. Appellant(s)

VERSUS

GURDIAL SINGH (D) THR. LRS . & ORS. Respondent(s)

J U D G M E N T

KURIAN, J.

1. Members of the same family have been in litigation for the last four decades. This appeal itself has been pending before this Court for over a decade. Finding that there is an element of settlement, we directed the parties to be present before this Court. Accordingly, on 23.10.2018, this Court passed the following order :-

"Thanks to the intervention of Mr.Maninder Singh, learned senior counsel, who has graciously agreed to mediate, on a request made by the Court, the parties, who are present in Court today, have made an effort to reach an amicable settlement.

What remains is only the demarcation by meets and bounds of the share that is allotted to the legal representatives of Dhan Kaur, the deceased daughter of the deceased Nand Singh, the original owner. It is not

in dispute that the legal representatives of Dhan Kaur are entitled to 44 Kanals, out of approximately 132 Kanals of land belonging to late Nand Singh.

We direct the Tehsildar of Samrala District, Ludhiana to demarcate 44 Kanals of land out of approximately 132 Kanals of land of late Nand Singh by meets and bounds and prepare a sketch and submit a report to this Court.

We direct both the sides to present themselves before the Tehsildar, Samrala District, Ludhiana on 25.10.2018 at 11.00 AM with their respective proposals regarding the segregation of 44 Kanals. If they agree on the location of 44 Kanals, the Tehsildar will proceed to demarcate and fix the boundary. But if the Tehsildar finds that there is no agreement, he may take an equitable decision as to the 44 Kanals to be allotted to the share of the legal representatives of Dhan Kaur and demarcate the same and prepare a sketch.

The parties have agreed that there shall be no claim on the two houses owned by late Rur Singh and there shall be no claim for mesne profits or interest from the side of the legal representatives of Dhan Kaur.

Post on 13.11.2018 at 02.00 PM in

misc. list.

Since some of the parties have to travel abroad, we direct the Tehsildar to complete the process on or before 12.11.2018 and submit a report to this Court.

It will be sufficient that the report is filed through any one of the parties also. Needless to say that copies of the report will be given to both the parties.

We express our gratitude for the strenuous efforts taken by Mr. Maninder Singh, learned senior counsel, to find a solution to the decades long dispute among the members of the family."

2. The Tehsildar, Samrala, has, accordingly, forwarded a report dated 10.11.2018. The same is taken on record. Copies of the report have been furnished to the parties as well. We have heard the learned counsel appearing for the parties on both sides. Though the parties have raised some minor objections to the report, we are of the view that the Tehsildar has done a fair job and has made an equitable distribution of the property by demarcating it in metes and bounds. We record our appreciation for the arduous job undertaken by the Tehsildar - Mr. Navdeep Singh Bhogal. We direct the District Collector, Ludhiana to give an appropriate

appreciation entry in the Annual Confidential Report (ACR) of Mr. Navdeep Singh Bhogal in this regard since on account of the efforts taken by him, the Court is in a position to put an end to the litigation.

3. Though the learned counsel on both sides have raised some minor objections, we are of the view that in the interest of the parties, at least in the third generation, the litigations should be given a quietus. Accordingly, this appeal is disposed of in terms of the report submitted by the Tehsildar. The report shall form part of the decree.

4. We find that the respondents may not have any source of water for irrigating their part of the land since the water source has gone to the share of the appellants. They are free to approach the competent authority for appropriate permission, if any required, for setting up a tubewell, in which case, the competent authority shall examine their case and pass appropriate orders in accordance with law in the matter, in any case, within six months from the date of the application.

5. Once there is sanction of the tubewell, we direct the Electricity Board to give the electricity

connection within another one month.

6. We also record our deep appreciation for the sincere efforts taken by Mr. Maninder Singh, learned senior counsel, who has spent quite a few days with the parties for helping them to arrive at a reasonable settlement.

.....J.
[KURIAN JOSEPH]

.....J.
[HEMANT GUPTA]

New Delhi;
November 16, 2018.