

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1809 OF 2006

VASUDEVAN EMBRANTHIRI  
@ VASUDEVA RAO (DEAD) BY LRS.

Appellant(s)

VERSUS

GOPALAKRISHNAN (DEAD) BY LRS. & ORS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. This appeal has a chequered history of litigation, which commenced in the year 1984. The first respondent herein filed an application for letters of administration, being LAOP No. 306 of 1984 and on contest, the same was converted in a suit. The suit was dismissed. The decree was reversed by the High Court and thus aggrieved, the legal representatives of the first defendant, are before this Court.

2. Several attempts have been made to find an amicable solution. We find that the attempts could not converge for a settlement because of minor differences. Therefore, we directed both the parties to submit their proposals for a settlement with a plan.

3. Today, when the matter was taken up, the appellants have produced a statement along with a sketch. The respondents have also produced a statement and a sketch. Obviously, both do not tally.

4. We have heard Mr. Thomas P. Joseph, learned senior counsel, assisted by Mr. Paul Kuriakose, learned counsel, appearing for the appellants and Mr.A.Raghunath, learned counsel appearing for the respondents.

5. A well meaning relative of both sides, namely one Mr. Pradeep, is also present in Court today.

6. Looking at the facts of the case, it will be in the interest of all to put a quietus to the three-decade long litigation. Having gone through the entire pleadings and having regard to the background of the case and for doing complete justice between the parties, we are of the view that it would be just, fair, reasonable and equitable to have the properties divided in terms of the sketch prepared by Mr. C. K. Venu and as produced by the respondents. We make it clear that this Judgment is passed despite

the vehement objections advanced by the appellants, for doing complete justice between the parties in exercise of our jurisdiction under Article 142 of the Constitution of India.

7. Accordingly, the sketches of the plots prepared by Mr. C. K. Venu and the statement filed along with sketches are taken on record. The same shall form part of the decree. This appeal is disposed of in terms of the division of the properties as proposed in the sketches prepared by Mr. C. K. Venu and the statement attached along with it with regard to the division. Needless to say that the two Wills (Exhibit A1 & B1) will stand superseded. This decree will be the source of title to the properties of the respective sharers. The trial court is directed to send a copy of this decree to the Sub-Registrar concerned for the purpose of entry in the official records of the Sub-Registrar.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ A.M. KHANWILKAR ]

New Delhi;  
October 25, 2018.