

CORRECTED**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NOS. 924-925 OF 2020
(Arising out of SLP (C) Nos.18316-18317/2019)****CHITRADEVI****Petitioner(s)****VERSUS****J.SANKAR PARMESWARAN****Respondent(s)****O R D E R**

Leave granted.

The suit for partition filed by the appellant was decreed on 24.01.2017. The judgment and decree of the Trial Court was affirmed by the High Court. The respondent submitted before the High Court that he was residing in the house which is Schedule B property since 01.02.1998. By accepting the submissions of the respondent, the High Court proceeded to allot Scheduled A property to the appellant and Schedule B property to the respondent. Further, the respondent was directed to adequately compensate the appellant the difference of the valuation of Schedule A and B properties. Aggrieved by the said order passed by the High Court, these appeals have been filed.

We find force in the submissions made by Ms.V.Mohana, learned senior counsel for the appellant that the division of properties can be made only in the

final decree proceedings by the Trial Court. The High Court ought not to have issued a direction allotting the schedule properties in the suit while deciding the appeal against the judgment of the trial Court.

We, therefore, set aside the judgment of the High Court in so far as it relates to the allotment of Schedule A and Schedule B properties to the parties. The final decree proceedings shall be adjudicated without being influenced by any of the observations made either by the High Court or by this Court.

The appeals are, accordingly, disposed of. Pending applications, if any, stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
31st January, 2020

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 924-925 OF 2020
(Arising out of SLP (C) Nos.18316-18317/2019)

CHITRADEVI

Petitioner(s)

VERSUS

J.SANKAR PARMESWARAN

Respondent(s)

O R D E R

Leave granted.

The suit for partition filed by the appellant was decreed on 24.01.2017. The judgment and decree of the Trial Court was affirmed by the High Court. The respondent submitted before the High Court that he was residing in the house which is Schedule B property since 01.02.1998. By accepting the submissions of the respondent, the High Court proceeded to allot Scheduled A property to the appellant and Schedule B property to the respondent. Further, the respondent was directed to adequately compensate the appellant the difference of the valuation of Schedule A and B properties. Aggrieved by the said order passed by the High Court, these appeals have been filed.

We find force in the submissions made by Ms.V.Mohana, learned senior counsel for the appellant that the division of properties can be made only in the

final decree proceedings by the Executing Court. The High Court ought not to have issued a direction allotting the schedule properties in the suit while deciding the appeal against the judgment of the trial Court.

We, therefore, set aside the judgment of the trial Court in so far as it relates to the allotment of Schedule A and Schedule B properties to the parties. The final decree proceedings shall be adjudicated without being influenced by any of the observations made either by the High Court or by this Court.

The appeals are, accordingly, disposed of. Pending applications, if any, stand disposed of.

.....J
(L.NAGESWARA RAO)

.....J
(HEMANT GUPTA)

NEW DELHI;
31st January, 2020

ITEM NO.58

COURT NO.9

SECTION XII

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).18316-18317/2019

(Arising out of impugned final judgment and order dated 25-02-2019 in AS No. 429/2018 25-02-2019 in CMP No.11206/2018 passed by the High Court Of Judicature At Madras)

CHITRADEVI

Petitioner(s)

VERSUS

J. SANKAR PARMESWARAN

Respondent(s)

(With application for exemption from filing O.T.)

Date : 31-01-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO

HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Ms. V.Mohana, Sr. Adv.
Mr. Ravi Raghunath, Adv.
Ms. Aakashi Lodha, Adv.
Ms. Nikita Capoor, Adv.
Ms. Anindita Mitra, AOR

For Respondent(s) Mr. V.Krishnamurthy, Sr. Adv.
Mr. B.Ramamoorthy, Adv.
Mr. V.Balachandran, Adv.
Mr. Siddharth Naidu, Adv.
M/S.KSN & Co., AOR

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

Leave granted.

The appeals are disposed of in terms of the
Signed Order. Pending applications, if any, stand
disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)

