

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6494 OF 2016
(Arising out of SLP (C) No. 31234 of 2014)

S SHIVRAJ REDDY DIED THROUGH HIS LRS. APPELLANT (S)

VERSUS

S RAGHURAJ REDDY AND ANR. RESPONDENT(S)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The whole dispute pertains to the partition of 'A' Schedule residential property. The Additional Chief Judge, City Civil Court, Hyderabad vide order dated 18.03.2014, ordered the said property to be sold in public auction. That was challenged by the appellants herein, before the High Court.
3. The contention is that being a family property, in terms of the mandate under the Partition Act, 1893, the attempt should be made to have the property settled amongst the members of the family. The High Court gave one opportunity to have the property sold in auction among the

parties to the suit. It appears that the attempt failed. In that view of the matter, the Civil Revision Petition was dismissed as withdrawn with a further direction to conduct public auction as directed in the order passed by the Trial Court.

4. There is also a further direction that in case the premises is not vacated in favour of the highest bidder within the stipulated time, the consequences will follow. Thus aggrieved, the appellants are before this Court.

5. Heard learned senior counsel appearing for the appellants and respondents. Having regard to the facts and circumstances of the case, we are of the view that the interest of justice would be met in case the parties are directed to approach the Trial Court. The Trial Court is directed to make a further attempt in the true spirit of the Partition Act.

JUDGMENT

6. We make it clear that if once such an attempt to have the property auctioned among the members of the family fails, the Court shall take steps for a public auction. However, before such steps are taken, the property would be got valued by an independent valuer. In any case, the proceedings shall be completed by the Trial Court within six months.

7. The appeal is disposed of with no order as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
JULY 18, 2016



JUDGMENT