

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 7313-7314 OF 2016
[@ SPECIAL LEAVE PETITION(C) NO. 3250-3251 OF 2016]

GIRISH S/O DHARMAVIR MADAN THROUGH ITS GPA Appellant(s)

VERSUS

NANDKUMAR S/O SHANKARRAO RASNE AND ORS. Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The only submission of the appellant is that unless his 3/7th share of the property is identified as per the preliminary decree dated 06.12.2004, the eviction proceedings at the instance of the first respondent may not be proceeded with.

3. Therefore, these appeals are disposed of with a direction to the trial court to take steps to appoint the Court Commissioner in the final decree proceedings so as to identify the respective shares. The process of identification of the respective shares shall be completed within a period of two months from the date of production of a copy of this Judgment by either party before the trial court. Till such time, the eviction proceedings as against the appellant shall be kept in abeyance.

4. However, by way of abundant caution, it is made clear that the special leave petition filed against the Judgment in Second Appeal No. 611 of 2010 shall have no bearing on the eviction proceedings.

No costs.

.....J.
[KURIAN JOSEPH]

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

New Delhi;
August 05, 2016.



JUDGMENT