

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.14122-14123 OF 2015
(arising out of S.L.P.(Civil) Nos.14381-14382 of 2014)

SUSANA RANI DAVID & ANR. ... APPELLANT(S)

VS.

ESTHER JASPER SWAMINATHAN & ORS. ... RESPONDENT(S)

WITH

CIVIL APPEAL NOS.14124-14125 OF 2015
(arising out of S.L.P.(Civil) Nos.22795-22796 of 2014)

J U D G M E N T

Anil R. Dave, J.

1. Heard the learned counsel for the parties.
2. Leave granted.
3. Upon perusal of the impugned judgment and the facts pertaining to the case, we find that the main dispute in the appeals is only with regard to the share of defendant No.4-Victoria Srinivasan.
4. In the course of hearing of these appeals, the appellants had relied upon a sale deed dated 29th June, 2001 executed by defendant No.4, by virtue of which some property had been sold by her. The said document has not been exhibited before any court. The said sale deed is permitted

to be placed on record so that it may be looked into by the High Court and consider its effects on the compromise deed entered into among some of the parties.

5. In these circumstances, we dispose of these appeals with a direction that a review application shall be filed by the appellants within four weeks from today before the High Court and the High Court shall permit the appellants to do the needful to get the said document exhibited.

6. The High Court shall consider the effect of the said sale deed after hearing the concerned parties and if necessary, may modify the impugned judgement and pass appropriate order in accordance with law.

7. It may further be noted that as shares of other defendants have been purchased by defendant No.8, the amount, if any, which might become payable to defendant No.4 shall be paid by defendant No.8.

8. It is also agreed among the parties during the course of hearing of these appeals that the compromise entered into among the defendants which has been referred to in the impugned judgment will not get affected by this order except qua defendant No.4 and the same shall be considered to be a valid compromise qua others who have not disputed it. Therefore, the impugned order, to the extent it nullifies the compromise, is set aside. The appeals are allowed to the extent that the compromise to which defendant No.4 was not a party, shall remain as it is.

9. The registry of the High Court will fix the date for hearing of the review application in the month of February, 2016. Only defendant Nos. 4, 8 and 9 or their representatives shall be heard by the High Court.

11. Pending applications stand disposed of.

12. There shall be no order as to costs.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
7th December, 2015.



JUDGMENT

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) Nos. 14381-14382/2014

(Arising out of impugned final judgment and order dated 20/12/2013 in AN Nos. 517/1993 and 685/1993 passed by the High Court Of Judicature at Madras)

SUSANA RANI DAVID & ANR.

Petitioner(s)

VERSUS

ESTHER JASPER SWANINATHAN & ORS.

Respondent(s)

(With appln. (s) for exemption from filing affidavit)

WITH

SLP(C) No. 22795-22796/2014

(With appln.(s) for exemption from filing O.T. and Interim Relief and Office Report)

Date : 07/12/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)

Mr. G.Umapathy,Adv.

Mr. Rakesh K. Sharma,Adv.

Mr. Kapil Sibal,Sr.Adv.

Mr. Parag P.Tripathi,Sr.Adv.

Mr. A. V. Rangam,Adv.

Mr. Buddy A.Ranganadhan,Adv.

Mr. D.V. Raghu Vamsy,Adv.

For Respondent(s)

Mr. S.Guru Krishna Kumar,Sr.Adv.

Mr. Senthil Jagadeesan,Adv.

Mr. Govind Manoharan,Adv.

Ms. Shruti Iyer,Adv.

Ms. Suchitra Kumbhat,Adv.

Mr. R.Balasubramanian,Sr.Adv.

Mr. V.Balachandran,Adv.

Mr. B.Karunakaran,Adv.

Mr. A.Lakshminarayanan,Adv.

For M/s. KSN & Co.,Adv.

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

Leave granted.

The appeals are allowed in terms of the non-reportable judgement. Pending applications stand disposed of.

There shall be no order as to costs.

(Anita Malhotra)
Court Master
(Non-reportable judgment is placed on the file.)

(Sneh Bala Mehra)
Assistant Registrar



JUDGMENT