

Ram Gopal

Vs

Smt. Sarubai and Others

Civil Appeal No. 214(N) of 1970

(Syed M. Fazal Ali, A. Varadarajan JJ)

12.03.1981

JUDGMENT

FAZAL ALI, J. –

After hearing counsel for the parties and having gone through the judgments of the courts below, we are satisfied that this is a matter which is pre-eminently fit for settlement. The judgment under appeal against the appellant undoubtedly causes serious hardship to the appellant inasmuch as the land which he had possessed has already been sold of and is not available to him and there is no other source of sustenance to the appellant expect the land in dispute. In view of the pressing circumstances and also having regard to the fact that the case has been pending in the courts for the last 20 years Mr. Naunit Lal has fairly conceded at the instance of the court that any order which the court may think reasonable may be passed to do justice to the parties. In view of these circumstances we modify the order and the judgement under appeal to this extent that the applicant's application for ejection is allowed to the extent of six acres out of the land in dispute of survey No. 13. The allotment of six acres out of the total area of the land in dispute shall be made by the Tahsildar taking in to consideration the nature and character of the soil. The appeal is accordingly disposed of without any order as to costs.

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