

SUPREME COURT OF INDIA

K.V.Muralidhar

Vs.

K.V.Ananda Rao & Ors.

C.A.No.5875-5876/2010

(Anil R.Dave and Adarsh Kumar Goel, JJ.)

07.01.2016

JUDGMENT

Anil R.Dave, J.

1. Heard learned counsel for the parties at length.
2. Upon hearing the learned counsel, it appears that two important documents have not been properly considered by the High Court and no specific findings have been recorded thereon, namely; 1) compromise arrived at in O.S. No. 47/70 on 29.11.1975 and 2) a memorandum recording oral partition dated 10.11.1985.
3. We are of the view that specific findings ought to have been recorded on the aforesaid two documents so as to determine the rights of the parties.
4. In view of the aforesaid circumstances, we set aside the impugned judgment and remit the matter back to the High Court so that after hearing the concerned parties, the matter can be decided afresh. Needless to say that it would be open to the parties to raise all possible contentions before the High Court.
5. The parties shall appear before the High Court on 08.02.2016 so that the matter can be fixed for hearing on that date.
6. The civil appeals are disposed of as allowed with no order as to costs.