

## **Ram Gopal vs Smt. Sarubai And Others on 12 March, 1981**

**Equivalent citations: (1981)4SCC505, 1981(13)UJ434A(SC), AIRONLINE 1981 SC 88**

**Author: S. Murtaza Fazal Ali**

**Bench: A. Varadarajan, A.N. Sen, S. Murtaza Fazal Ali**

### **JUDGMENT**

S. Murtaza Fazal Ali, J.

1. 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 except 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 court 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 circumstance we modify the order and the judgment under appeal to this extent that the applicant's application for ejectment is allowed to the extent of 6 acres out of the land in dispute of survey No. 13. The allotment of 6 acres out of the total area of the land in dispute shall be made by the Tehsildar taking into consideration the nature and character of the soil. The appeal is accordingly disposed of without any order as to costs.