

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) No. 18889/2012

GOOLROKH M. GUPTA

Petitioner

VERSUS

MR. BURJOR PARDIWALA.... DEAD
(DELETED) & ORS.

Respondents

O R D E R

Heard Ms. Indira Jaising, learned senior counsel for the petitioner and Mr. Gopal Subramaniam, learned senior counsel alongwith Mr Percy Ghandy for the respondents.

It is necessary to state here that when the matter was taken up on 7.12.2017, this Court had passed the following order:-

"In the course of hearing, regard being had to the facts and circumstances of the case, a suggestion was given to Mr. Gopal Subramaniam, learned senior counsel and Mr. Percy Ghandy, learned counsel appearing for the respondents to obtain instructions. Both of them, we must state, in all fairness, prayed for some time to obtain instructions. We will be failing in our duty if we do not say that they sought time to obtain instructions in deference to the Court's suggestion. We record our appreciation for taking the suggestion in extremely good spirit."

In pursuance of the aforesaid order, Mr. Gopal Subramaniam, learned senior counsel has obtained instructions. He and Mr. Percy Ghandy, learned counsel, who was deliberated with the Trustees and the High Priests of the Trust, have filed a memorandum, keeping in view the

suggestion given by the Court. Though the memorandum filed states certain aspects, it is necessary to reproduce only three paragraphs for the present:-

"1. Without prejudice to the rights and contentions of the parties, IT IS AGREED AND DECLARED between the Petitioner and the Respondents that the Respondents will, on compassionate grounds, permit the Petitioner to attend the funeral prayers (*Paidust ceremony*) of her parents performed inside the Prayer Hall of the *Bungli* (Bungalow) of the Towers of Silence Complex (*Doongerwadi*) complex at Valsad.

2. IT IS AGREED AND DECLARED between the petitioner and the respondents that the petitioner will also be entitled to attend the 4-days after death ceremonies of her parents performed inside the Prayer Hall of the *Bungli* (Bungalow) of the Towers of Silence Complex (*Doongerwadi*) Complex at Valsad, viz., the *Bhoi ni Kriya Ceremony*, the *Sarosh nu Patru Ceremony*, the *Uthamnu Ceremony* and the *Pachli Raat nu Uthamnu Ceremony*.

3. IT IS AGREED AND DECLARED between the Petitioner and the Respondents that in the first instance, the Petitioner may arrange for the Priests (*Mobeds*) to perform the abovementioned prayers at the Towers of Silence Complex (*Doongerwadi*) Complex at Valsad. In the event of the Petitioner being unable to arrange for the Priests to perform the abovementioned ceremonies, the Respondent-Trust will arrange for the Priests to perform the said ceremonies. The petitioner's children may attend the funeral ceremonies of their grand-parents by sitting in the Pavilion opposite the *Bungli* (Bungalow), along with members of the community, both Zoroastrian and otherwise."

This meets the immediate requirement of the petitioner and her sisters. As far as the other rights are concerned, that shall be adjudicated at a later stage.

Ms. Indira Jaising would submit that there are other rights, and this Court should address the same. Mr. Gopal Subramaniam submits that the rights as claimed by the

petitioner, deserve to be addressed in accordance with law.

Before fixing a date for further hearing on other controversies which have been canvassed by Ms. Indira Jaising with enthusiasm, vigour, perseverance, dedication and commitment, we must record without any reservation our appreciation for Mr. Gopal Subramaniam and Mr. Percy Ghandy, who have been able to persuade the respondents to come with a proposal that can serve the cause of immediacy. Needless to say, the cause of immediacy has its paramountcy. What matters most is that the respondents have responded with deference to the suggestion of this Court. We record our appreciation without any inhibition. We may hasten to add that it is an interim order and shall always be interim till we finally decide.

Let the matter be listed on 17.1.2018.

.....CJI.
[Dipak Misra]

.....J.
[A.K. Sikri]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

.....J.
[Ashok Bhushan]

New Delhi;
December 14, 2017.

ITEM NO.501

COURT NO.1

SECTION III

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 for Special Leave to Appeal (C) No. 18889/2012

(Arising out of impugned final judgment and order dated 23-03-2012 in SCA No. 449/2010 passed by the High Court Of Gujarat At Ahmedabad)

GOOLROKH M. GUPTA

Petitioner

VERSUS

MR. BURJOR PARDIWALA.... DEAD (DELETED) & ORS. Respondents

(and IA No.114561/2017-INTERVENTION APPLICATION and IA No.114567/2017-INTERVENTION APPLICATION and IA No.114574/2017-INTERVENTION APPLICATION)

Date : 14-12-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner

Ms. Indira Jaising, Sr. Adv.
Mr. Ravinder Srivastava, Sr. Adv.
Mr. Sidharth Luthra, Sr. Adv.
Mr. Gopal Jain, Sr. Adv.
Mrs. Shiraz Contractor Patodia, AOR
Mr. Ashish Singh, Adv.
Ms. Divya Sharma, Adv.
Ms. Juhi Chawla, Adv.
Mr. Anupam Prasad, Adv.
Ms. Ruchi Sahay, Adv.
Mr. Rohit Ghosh, Adv.
Ms. Radhika Sexsena, Adv.
Ms. Mehaak Jaggi, Adv.
Mr. Mayank Singhal, Adv.
Mr. Nikhil Mehndiratta, Adv.

For Respondents/
/Intervenors/
Applicants

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Percy Ghandy, Adv.
Mr. Siddarth Bhatnagar, Adv.
Mr. Debmalya Banjerjee, Adv.
Mr. A.S. Aman, Adv.

Mr. Kartik Bhatnagar, Adv.
Mr. Manish Sharma, Adv.
Mr. Aviral Kapoor, Adv.
Mrs. Manik Karanjawala, Adv.
M/s. Karanjawala & Co., AOR

Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.
Mr. Vijay Shankar V.L., Adv.

Mr. Sanjeeb Panigrahi, Adv.
Mr. Siddhartha Chowdhury, AOR
Mr. Shryeyas Mehrotra, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Ms. Ramandeep Kaur, Adv.
Mz. Elizabeth Antony, Adv.
for M/s. Lawyer's Knit & Co, AOR

Mr. Kunal Verma, AOR
Ms. Yugandhara Pawar Jha, Adv.
Mr. Piyush Bhardwaj, Adv.

Mr. Anand Grover, Sr. Adv.
Ms. Ferida Satarawala Chopra, Adv.
Mr. Kunal Verma, AOR
Ms. Anusa, Adv.

Mr. Percival Billimoria, Adv.
Ms. Jyoti Dastidar, Adv.
Mr. Bipin Aspatwar, Adv.
Ms. Anu Shrivastava, Adv.
Mr. Aman Singhania, Adv.
Ms. Vanshika Mohta, Adv.
Mr. Kunal Verma, AOR

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

In terms of the signed order, let the matter be
listed on 17.1.2018.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar
(signed order is placed on the file)