

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

FA No. 558 of 2017

Smt. Indira Patel and ors. **Versus** Rajkumari Patel and ors.

05/04/2018	Shri H.S.Patel, counsel for the appellant/s. Shri S.Majid Ali, Dy.G.A. for the State. Shri Atul Pandey, counsel for respondents 6, 7 and 9. Records have been received. The appeal is admitted for hearing. Heard on I.A.No.1, application under Order 39 Rule 1 and 2 of CPC. Learned counsel for the appellant would submit that in view of the recent decision of the Supreme Court in the case of Danamma @ Suman Surpur & anr. v. Amar & ors. 2018 SAR (Civil) 340, the appellants were also entitled to share in the coparcenary property though devolution had taken place in the year 1995. On the other hand, learned counsel for the respondents 6, 7 and 9 submits that the said decision does not help the appellant as in the present case, devolution has been effected in the past and right of the female coparcener after the amendment of 2005 in the Hindu Succession Act, is only prospective. After having considered the submission, I am inclined to order that during the pendency of this appeal, the respondents shall not create third party interest over the disputed property without the leave of the Court. List the matter for final hearing. Sd/- (Manindra Mohan Shrivastava) Judge
Deepti	

