

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 8474-8475 OF 2003

DHANWANTI DEVI (DEAD) By Lrs.

Appellant (s)

VERSUS

SARDARILAL JAIN (D) BY LRS.

Respondent(s)

(With application for substitution of Lrs. of deceased sole appellant
and for c/delay in filing the substitution application)

Date: 18/01/2006 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Appellant(s)

Ms. Anu Narula,Adv.

Mr. Pratap Venugopal,Adv.

Mr. Harshad V. Hameed,Adv.

for M/s. K.J. John & Co.,Advs.

For Respondent(s)

Ms. Aishwarya Bhati,Adv.

Mr. K.S.Bhati,Adv.

UPON hearing counsel the Court made the following

O R D E R

The delay in filing the substitution application is condoned.

A prayer has been made for substituting Rajesh Sharma on the

i Devi, the basis of the Will said to have been executed by Dhanwant
sole

appellant It is not possible in this proceeding to go into the genuineness

or

otherwise of the Will, but at least

....2/-

- 2 -

Rajesh Sharma, on the basis of his alleged claim as donee, is entitled to continue with this litigation. We, accordingly, permit Rajesh Sharma to continue with this litigation in place of the deceased appellant-Dhanwanti Devi. This order will not in any manner confer any right upon Rajesh Sharma on the basis of the Will.

The prayer for substitution is, accordingly, allowed.

The appeals are dismissed.

[Alka Dudeja] [Charanjeet Kaur]

[Om Prakash]

Court Master

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8474-8475 OF 2003

Dhanwanti Devi (Dead) By Lrs.

...

Appellant(s)

Versus

Sardarilal Jain (Dead) by Lrs.

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

We do not find any ground to interfere with the impugned orders. The appeals are, accordingly, dismissed.

No costs.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

New Delhi,

JANUARY 18, 2006.