

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).2010/2004

(From the judgement and order dated 20/10/2003 in ON No. 1243/1998 of The  
HIGH COURT OF A.P AT HYDERABAD)

ENTURI YESODA & ORS.

Petitioner(s)

VERSUS

T. GURRAMMA & ORS.

Respondent(s)

(With prayer for interim relief and office report )

(For final disposal)

Date: 15/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s)

Mr. M.Srinivas R. Rao, Adv.

Mr. Abid Ali, Adv.

Ms. Neeru Vaid,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Despite service of notice, none has appeared on behalf of the re  
spondents.

Leave granted.

The appeal is disposed of in terms of the signed order.

(Meenu Sethi)

(Pushap Lata Bhar

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

C  
IVIL APPEAL NO. 4217 /2006

(Arising out of SLP(C) No.2010/2004)

Enturi Yesoda & Ors. ... Appellants

VERSUS

T.Gurramma & Ors. ... Respondent

s

O R D E R

Despite service of notice, none has appeared on behalf of the respondents.

Leave granted.

In view of the order proposed to be passed by us , it is not necessary for us to delve deep into the dispute between the parties. Suffice, it to say that the High Court by reason of the impugned judgment invoked the provision of Section 16 of the Hindu Succession Act, 1956 ignoring the contentions of the appellants herein

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that in absence of an application under Section 372 of the Indian Succession Act, no Succession Certificate could have been granted. We may notice that the trial Court rejected the claim of the appellants for grant of

Succession Certificate holding that irrespective of the fact whether R-1 was the legally wedded wife or not, terminal benefits would be payable to the appellants but no Succession Certificate can be granted.

The High Court, therefore, may not entirely be correct in holding that both the appellants Nos. 2 to 5 as also the respondent Nos. 4 to 7 would be entitled to terminal benefits as also grant of Succession Certificate.

We wish that the parties hereto enter into some sort of a settlement so as to resolve their disputes and differences for all time to come.

In that view of the matter, we request the High Court to consider the matter afresh and if possible make an endeavour to bring about a settlement between the

...3/-

parties. We would also request the High Court to consider the desirability of disposing of the matter as expeditiously as possible.

With the aforementioned observations, the appeal is disposed of.

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J

(S. B. SINHA)

.....J

(DALVEER BHANDARI)

New Delhi,

September 15, 2006.