

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2549 OF 2000

SAVITRI BAI

Appellant (s)

VERSUS

OM PRAKASH GUPTA & ANR

Respondent(s)

(With appln(s) for permission to file additional documents and with office report)

Date: 19/04/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s) Mr. Subrat Birla, Adv.

Mr. S.C. Birla,Adv.

For Respondent(s) Mr. B.S. Banthia,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Appeal is dismissed in terms of the signed order. No order
as to

costs.

a) (K.K. Chawla)
Court Master
ter

(Radha R. Bhati)
Court Mas

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2549 OF 2000

SAVITRI BAI

.. APPELLANT

VERSUS

OM PRAKASH GUPTA & ANR.

.. RESPONDENTS

O R D E R

Heard the learned counsel on both sides.

The Appellant's mother Smt. Hari Pyari Bai owned certain property.

After she died, the Appellant and her brother inherited it. The Appellant's

brother Brij Mohan entered into an agreement of sale with Respondent No. 1.

Respondent No. 1 filed a suit for specific performance. The Appellant impleaded

herself in the said suit on the ground that the suit property had been bequeathed

to her in a Will by the Appellant's mother late Smt. Hari Pyari Bai. The

execution of the Will set up by the Appellant was disbelieved by the Trial Court

as out of the two attesting witnesses one was not traceable and the other, DW.3,

who was examined, was totally disbelieved. The Single Judge of the High Court

in Appeal accepted the findings of the Trial Court and held that the execution of the will was not proved. The Letters Patent Appeal filed by the Appellant has also failed.

Thus, three Courts have concurrently held that the Appellant's case of execution of the Will by the Appellant's mother bequeathing the suit property to the Appellant was not proved.

The learned Counsel for the Appellant vehemently contends that the findings of all three Courts are perverse. We are unable to accept this contention after having perused the said findings.

In these circumstances, we find no substance in the Appeal. The Appeal is hereby dismissed. No order as to costs.

.....J.
(B.N. Srikrishna)

.....J.
(Lokeshwar Singh Panta)

New Delhi;

April 19, 2006.