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C.A.No. 1858 OF 2002

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

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PART-HEARD@

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ITEM No.301

COURT No. 4

SECTION IIIA

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. 1858 of 2002@@  
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Commissioner of Wealth Tax, Gujarat

Appellant(s)

VERSUS

LOV S. Kinariwala

Respondent(s)~

(With office report)

With Civil Appeal Nos.1847-1848 of 2002  
(With office report)

Civil Appeal No. 1865 of 2002  
(With office report)

Civil Appeal Nos.1869-1871 of 2002  
(With office report)

Civil Appeal Nos.1873-1876 of 2002  
(With office report)

Civil Appeal Nos.1877-1881 of 2002

Civil Appeal No.1886 of 2002  
(With office report)

Civil Appeal No. 1890 of 2002  
(With office report)

Civil Appeal Nos.1893-1899 of 2002  
(With office report)

Civil Appeal No. 5720 of 1998  
(With office report)

Civil Appeal Nos. 6148-6157 of 1998  
(With office report)

Civil Appeal Nos.6375-6412 of 1998  
(With office report)

Civil Appeal No. 5020 of 2000  
(With office report)

Civil Appeal No. 3792 of 1999  
(With office report)

Civil Appeal Nos.3829-3830 of 1999  
(With office report)

Civil Appeal No. 3827 of 1999  
(With office report)

Civil Appeal No. 3373 of 2000  
(With office report)

Civil Appeal No. 2339 of 2001  
(With office report)

Date : 03/12/2002 These matters were called on for hearing today

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Appellant (s) Mr. Preetesh Kapur,Adv.  
Mr. Ranbir Chandra,Adv.  
Mr. K.C. Kaushik,Adv.  
Ms. Lakshmi Iyengar,Adv.  
Ms. Sunita Sharma,Adv.  
Ms. Neera Gupta,Adv.  
Mr. B.V.B. Das,Adv.  
Ms. Sushma Suri,Adv.

For Respondent(s) Mr. U.U. Lalit,Adv.  
Mr. H.A. Raichura,Adv.  
Mr. S.H. Raichura,Adv.

Ex-parte

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

.....L.....I...T.....T.....T.....T.....T.....T.....T.....T.....J

Civil Appeal Nos.6148-57/1998, 6375-6412/1998, 5020/2000,@  
CC  
3792/1999, 3830/1999, 3829/1999, 3827/1999, 3373/2000, @@  
CC  
5720/1998 and 1899/2002.@@  
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We heard the learned counsel for the parties.

It is conceded that Question No.1 and Question No.3  
overlap and require re-framing. Accordingly, Question Nos.  
1 and 2 are re-framed as Question No.1, as below:

.....L.....T.....T.....T.....T.....T.....T.....T.....J

.SP1  
"(1). Whether, on the facts and in the  
circumstances of the case, assignment of 50 per  
cent out of the assessee's ten per cent share  
in right, title and interest (excluding  
capital) in M/s. Kinariwala R.J.K. Industries  
in favour of Sunil Jivanlal Kinariwala Trust  
under deed of trust dated December 27, 1973  
creates over-riding title in favour of the  
Trust and whether the income accruing to the

Trust can be treated as the income of the assessee?

.....L.....I..T.....T.....T.....T.....T.....T.....T.....T.....J  
Hearing concluded. Judgement reserved.

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Civil Appeal Nos.1858/2002, 1848/2002, 1847/2002, 1865/2002,@@  
CC  
1869-71/2002,1873-81/2002,1886/2002,1890/2002,1893-1898/2002@@  
CC  
and 2339/2001:@@  
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These cases are de-linked and released from part-heard.

List these cases on 10th December, 2002, subject to over-night part-heard.

(T.I. Rajput)  
Court Master

(Kanwal Singh)  
Court Master