

ITEM NO.103

COURT NO.11

SECTION XIA

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

CIVIL APPEAL NO(s). 7226 OF 2002

ITTIANAM & ORS.

Appellant (s)

VERSUS

CHERICHI @ PADMINI

Respondent(s)

(With office report)

WITH

Civil Appeal NO. 4432 of 2003

(With office report)

Date: 25/02/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)

Mr. T.L. Viswanatha Iyer, Sr. Adv.
Mr. T.G. Narayanan Nair, Adv.
Mr. K.N. Madhusoodanan, Adv.
(For appellants in C.A. No.7226/2002
& for respondents in C.A. No.4432/2002)

For Respondent(s)

Mr. Romy Chacko, Adv.
Ms. Jasawini Mishra, Adv.
(For respondent in C.A. No.7226/2002
& for appellant in C.A. No.4432/2002)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties for some time.

The learned senior counsel for the appellants - Ittianam and others, during the course of submission urged that in view of the provision of Section 90 of the Indian Succession Act, 1925 the validity of the will is judged on the status of the property which obtains on the date of death of the testator.

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learned counsel for the respondent/opposite party submits that the said point has not been urged either in the trial Court or in the High Court and no such ground has been taken in the special leave petition.

In that view of the matter, prayer of the learned senior counsel for the appellants for liberty to file an interlocutory application for urging additional grounds is accepted. Such an application may be filed within three weeks. Any response to the same may be filed within two weeks thereafter.

The matter may be listed after five weeks.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master