

ITEM NO.8

COURT NO.6

SECTION IVA

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).10852/2009

(From the judgement and order dated 10/04/2008 in RSA No. 665/2001  
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MALLAWA & ORS. Petitioner(s)

VERSUS

RAMARADDI & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim  
relief and office report)

Date: 08/07/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Petitioner(s) Mr. Basava Prabhu S. Patil, Sr. Adv.  
Mr. B.Subrahmanya Prasad, Adv.for  
Mr. V.N. Raghupathy,Adv.

For Respondent(s) Ms. Kiran Suri,Adv.

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

Delay condoned.

Leave granted.

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

(Parveen Kr. Chawla)  
Court Master

(Indu Satija )  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5172 OF 2011  
(Arising from SLP(C) No.10852/2009)

Mallawa & Others ..Appellants

versus

Ramaraddi & Others ..Respondents

O R D E R

Delay condoned.

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment dated 10th April, 2008 passed by the High Court of Karnataka at Bangalore in R.S.A. No.665 of 2001.

The facts giving rise to this appeal have been detailed in the impugned judgment and hence we are not repeating the same here.

It appears that at the time of admission of the second appeal, the High Court had formulated two questions. As regards the first question, the finding of fact is that the will in question is suspicious and hence we are not inclined to interfere with the same. However, it appears that the second question formulated by the High Court has not been answered by the High Court.

Accordingly, while upholding the finding of the High Court that the will, on the basis of which the appellants are claiming title, is suspicious and hence CIVIL APPEAL arising from SLP(C) No.10852/2009

-2-

cannot be interfered with, we remand the matter to the High Court for a fresh decision on the second question formulated by the High Court. We would request the High Court to decide the second question as early as possible, preferably within six months from the date of receipt/production of a copy of this order.

The Appeal is disposed of in the above terms. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
JULY 08, 2011

.....J.  
[CHANDRAMAULI KR. PRASAD]