

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. 736 of 1997

BHANWARLAL & ORS. Appellant (s)

VERSUS

BHIKAM CHAND & ORS. Respondent (s)

(With appln.(s) for stay and exemption from filing O.T.)

Date : 03/09/2003 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N.VARIAVA

HON'BLE MR. JUSTICE H.K.SEMA

For Appellant (s) Mr. B.D. Sharma, Adv.
Mr. Narottam Vyas, Adv.For Respondent (s) Mr. U.N. Bachawat, Sr. Adv.
Mr. Sushil Kumar Jain, Adv.
Mr. H.D. Thanvi, Adv.
Mr. Anil Vyas, Adv.UPON hearing counsel the Court made the following
O R D E RHeard learned counsel for the parties for half and hour.
The appeal is dismissed in terms of the signed order with no order as to costs.(K.K.Chawla)
Court Master(Radha R. Bhatia)
Court Master
[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 736 of 1997

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VERSUS

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O R D E R

We have heard Mr. B.D. Sharma, learned counsel for the appellants. This appeal is against an order dated 6th March, 1995 by which a Second Appeal has been summarily dismissed. Briefly stated the facts are that appellant No.1, his father and the father of respondent No.1 (herein) were partners. By a notice dated 1st March, 1970, the firm was dissolved. A suit for rendition of accounts was filed. In that suit one of the question was whether some properties were partnership properties or properties of the individual partner in whose name that property stood. The trial court decreed the suit for accounts but, on the basis of the evidence, held that properties belonged to the individual partner in whose name they stood.

The respondents filed an appeal. The appellants filed cross-objections. Both the appeal and the cross objections were dismissed. The cross objections were dismissed on an additional ground that by virtue of the Benami Transactions (Prohibition) Act, 1988, the person in whose name the property stood became entitled to it. As stated above, the Second Appeal filed by the appellants (herein) has been dismissed by the impugned judgment. Even though the impugned judgment is a one word judgment, it is clear that the Second Appeal has been dismissed as no substantial question of law arose.

We have gone through the decision of the trial court. It is entirely based on evidence tendered before the court. In the appeal the ground regarding benami transactions was an additional ground. The findings of the trial court based on evidence have not been upset. Having considered the judgment of the trial court, it cannot be said that the reasons given are perverse or that they are not based on evidence before it.

We, therefore see no reason to interfere. Accordingly, the appeal is dismissed with no order as to costs.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
September 03, 2003.