

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). 446 OF 2000

MALLAPPA & ANR

Appellant (s)

VERSUS

RAMAPPA & ANR

Respondent(s)

(With office report)

Date: 23/11/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. S.K. Kulkarni, Adv.

Ms. Sangeeta Kumar, Adv.

For Respondent(s)

Rr-Ex-Parte, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed but without any order as to

costs.

[Usha Bhardwaj]

Court Master

[Pushap Lata Bhardwaj]

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.446 OF 2000

Mallappa & Anr.

.. Appellants

vs.

Ramappa & Anr.

.. Respondents

O R D E R

Respondent No.2 filed a suit for maintenance against her husband,

Respondent No.1 herein. Appellants before us are their children. While granting

a decree for maintenance, a charge was created on the properties held by the

appellants as also Respondent No.1. The appellants, therefore, preferred a

Second Appeal before the High Court. By reason of the impugned judgment, the

High Court although opined that while granting a decree in the suit for

maintenance filed by Respondent No.2, no charge on the properties of the

appellants could be created, they being minors; directed that Respondent No.2 be

given 1/4th share in the properties.

:2:

When the matter was called out, Mr. S.K. Kulkarni, the learned counsel appearing on behalf of the appellants, submitted that the lands in question have since been acquired in terms of the provisions of the Land Acquisition Act, and from the amount of compensations payable therefor, 1/4th of the said amount has already been paid to Respondent No.2 in execution of the said decree. The learned counsel states that the appellants in view of the subsequent events intend that the matter should be set at rest.

In view of the statements made at the Bar, the Civil Appeal is dismissed but without any order as to costs.

.....J.

(S.B. SINHA)

.....J.

(MARKANDEY KATJU)

New Delhi;

November 23, 2006.