

ITEM NO.1

COURT NO.1

SECTION XII-A

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).1456-1458/2005

BALLEDA SRIPATHY

Appellant(s)

VERSUS

THE STATE OF ANDHRA PRADESH & ANR.

Respondent(s)

(IA No.136453/2017-EARLY HEARING APPLICATION In Connected Case C.A. No.2844/2011)

WITH

C.A. No.2844/2011 (IV-A)

(IA No.136453/2017-EARLY HEARING APPLICATION and and IA No.138010/2017-impleading party)

Date : 09-01-2018 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s) Mr.S.J.Amith, Adv.  
Dr.(Mrs.) Vipin Gupta, AOR

Mr. Y. Raja Gopala Rao, Adv.  
Mr.K.Sharat Kumar, Adv.

For Respondent(s) Mr.Shantha Kumar V.Mahale, Adv.  
Mr.Rajesh Mahale, Adv.

Ms.Rajani K.Prasad, Adv.  
Ms. Abha R. Sharma, AOR

Mr. Guntur Prabhakar, Adv.  
Ms.Prerna Singh, Adv.

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

C.A.No.2844/2011

The application for impleadment is allowed in terms of  
the prayer made.

A two-Judge Bench of this Court while disagreeing with the view taken in Jinia Keotin Case (2003) 1 SCC 730, Neelamma Case (2006) 9 SCC 612 and Bharatha Matha Case (2010) 11 SCC 483 has referred the matter to a larger Bench as is evident from para 45 of the judgment in Revanasiddappa and another vs. Mallikarjun and others, (2011) 11 SCC 1, which is extracted hereunder:

"45. In the instant case, Section 16(3) as amended, does not impose any restriction on the property right of such children except limiting it to the property of their parents. Therefore, such children will have a right to whatever becomes the property of their parents whether self-acquired or ancestral."

In view of the aforesaid, let these matters be listed for final disposal on 16.01.2018.

(Chetan Kumar )  
Court Master

(H.S.Parasher)  
Assistant Registrar