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SLP(C)No. 13298 OF 2000

ITEM No.202

Court No. 2

SECTION IX
A/N MATTER

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.13298/2000

(From the judgement and order dated 30/11/1999 in SA 530/99
of The HIGH COURT OF BOMBAY)

SHIVAJI NIVRUTTI KUMBHAR

Petitioner (s)

VERSUS

NAMDEO MARUTI KUMBHAR & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 03/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. Sushil Karanjkar,Adv.
Mr. Gopal Balwant Sathe,Adv.

For Respondent (s) Mr. Sanjay K. Patil,Adv.
Mr. S.S. Shinde,Adv.
Mr. V.N. Raghupathy,Adv.

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

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Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 5035 of 2001@@
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(Arising out of S.L.P. (C) No.13298 of 2000)

Shivaji Nivrutti Kumbhar

...Appellant (s)

Versus~

Namdeo Maruti Kumbhar & Ors.

....Respondent (s)

O R D E R@@
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Leave granted.

The notice on the special leave petition stated that the matter might be disposed of at the S.L.P. stage by setting aside the order under challenge and restoring the second appeal to the High Court for being considered on merits.

The High Court dismissed the second appeal summarily stating that there was no point of law involved and there were concurrent findings of the courts below. We have seen the judgment and order of the first appellate court and the grounds of appeal before the High Court. We are of the view that the High Court should consider the question of law that arises in regard to Section 14 of the Hindu Succession Act.

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Accordingly, the civil appeal is allowed, the order under challenge is set aside and the second appeal (No. 530 of 1999) is restored to the file of the High Court at Bombay for being heard and disposed of on merits.

No order as to costs.

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.....J.
(S.P. Bharucha)@@
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.....J.
(Y.K. Sabharwal)@@
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New Delhi,
August 03, 2001.