

ITEM NO.13

COURT NO.12

SECTION XII

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.111/2013

NARAYANI AMMAL

Appellant(s)

VERSUS

R.SUBRAMANI & ANR.

Respondent(s)

(FOR [IA FOR SEEKING TRANSPOSITION AS APPELLANT ON IA
No.43975/2017)
FOR EXEMPTION FROM FILING O.T. ON IA 43979/2017)

Date : 12-04-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
[IN CHAMBERS]

For Appellant(s) Mr. Senthil Jagadeesan, AOR
Ms. Sonakshi Malhan, Adv.
Ms. Suriti Chowdhary, Adv.
Ms. Mrinal Kanwar, Adv.

For Respondent(s) Mr. Rakesh K. Sharma, AOR
Mr. R. Ayyam Perumal, AOR

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

IA No.-43975/2017

This application is filed for transposition of the second respondent as the appellant in appeal. The same has been filed on the basis that the sole appellant passed away in the year 2016 after filing of the special leave petition.

In the application for transposition, it is the

case of the applicant, *inter alia* that the appellant who is her mother has executed a will in respect of plaint schedule property. There is also a gift deed executed in her favour is the further case.

The first respondent who is the son of the appellant and the brother of the applicant has filed a reply wherein the Will and gift deed are disputed.

Infact, he also sets up the case that the appellant had executed cancellation deeds which could not be registered.

In view of the fact that there is a dispute to the fact who is the legal representative, the question will have to be decided on the basis of evidence as to who can thereafter prosecute the appeal.

Having regard to the provisions of Order XXII Rule 5 of the Code of Civil Procedure, I deem it appropriate that the matter should be remitted to the High Court of Madras.

Accordingly, the matter is remitted only for the purpose of the Court trying the question and giving its findings and the reasons.

The parties will appear before High Court of Madras on 10-06-2019.

(POOJA ARORA)
COURT MASTER

(RAJINDER KAUR)
BRANCH OFFICER