

IN TH E SUP R E M E COURT OF IN D I A  
CIV I L AP P E L L A T E JUR I S D I C T I O N  
CIV I L AP P E A L NO.6309- 6310 OF 2001

NAL AJ A L A SAV I T R A M M A ..

AP P E L L A N T

Versus

STAT E OF A.P. & ORS.

..RES P O N D E N T S

WITH

CONT E M P T PE T I T I O N (C) NO. 127-128 OF 2005

NAL AJ A L A SAV I T H R A M M A

...PET I T I O N E R

VE R S U S

RAJ E N D R A N A R E N D R A N I M J A E & OTH E R S

...RES P O N D E N T S

ORDER

CIV I L AP P E A L NOS. 6309- 6310 OF 2001:

1. These appeals arise from the judgment dated 19.7.2000 passed by the High Court of Andhra Pradesh at Hyderabad in Review Civil Misc. Petition No. 11704 of 2000.

2. The brief facts of the case are that Nagaiah, the husband of the appellant died on 13.7.1971 leaving behind his two widows. Both widows filed separate declarations under Section 8 of the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act

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showing the lands held by them. On 24.11.1976, both the matters were decided. Thereafter, after prolonged litigation, on 6.10.1995, the Land Reforms Appellate Tribunal allowed the appeal filed by the State Government holding that allotment of 1/4 th share to the mother of Nagaiah (appellant's husband) as erroneous.

3. Aggrieved by the said order, the appellant preferred a

Civil Revision Petition before the High Court which was dismissed by order dated 8.6.2000. The review petition filed against the said order was also dismissed on 19.7.2000.

4. Aggrieved by the impugned orders of the High Court, the present appeals by special leave have been preferred by the appellant.

5. We have heard learned counsel appearing for the parties and gone through the record.

6. We find that one of the issues that require consideration and which has not been dealt with by the Land Reforms Tribunal, Khammam and Land Reforms Appellate Tribunal, Warrangal is as to the date of death of Nagaiah's father inasmuch if he died after 1956, some land may fall to the share of his widow and if he had died prior thereto, she may not be entitled to any share.

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7. Mr. L.N. Rao, the learned senior counsel for the appellants has relied on the statement dated 21.6.1976 of the appellant recorded by the Deputy Tehsildar, Khammam and attested by the village Pathvari to the effect that her father-in-law had died sometime in the year 1959.

8. From a perusal of the aforesaid statement, we find that the authorities referred to above have not gone into this aspect and they have presumed that the father-in-law of appellant Nalajala Savithramma died prior to 1956. In this background, Mr. Rao prays that the matter may be remitted for re-consideration to the Tribunal.

9. Mr. R. Sundarvardhan, the learned senior counsel appearing for the State of A.P.-respondent No. 1, however, contends that the remand would be academic inasmuch as this Court in *Ma k ineni Venkata Sujatha Vs. Land Reforms Tribunal* and another (2000) 8 SCC 196 and *A.G. Varadarajulu and another Vs. State of T.N. and others* (1998) 4 SCC 231 and

several other judgments has held that a wife would not be entitled to have any share in the property of her late husband under the Ceiling Law.

10. We find from a reading of the impugned order that this is not the issue on which the impugned

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orders have been rendered. We, therefore, deem it appropriate that the matter be remitted to the Land Reforms Appellate Tribunal for deciding it afresh. Accordingly, we set-aside the impugned orders dated 8.6.2000 and 19.7.2000 passed by the High Court. We also request the Tribunal to dispose of the matter as expeditiously as possible. We also hope and trust that the Tribunal would take into account the afore cited judgments or any other judgment on which reliance may be placed by the learned counsel appearing for the respective parties in support of their contentions. We also permit the parties to place on record such additional evidence as may be deemed appropriate.

With these observations, the appeals stand disposed of leaving the parties to bear their own costs.

CONT E P T P E T I T I O N (C) NO. 127- 128 OF 2005 :

In view of the order passed today in Civil Appeal Nos. 6309- 6310 of 2001, no orders are required to be passed in these petitions. The petitions stand disposed of accordingly.

.....J.  
(H A R J I T S I N G H B E D I )

(H.L.DATTU)

.....J.

New Delhi;  
February 17, 2009.

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IT E M NO.103

COUR T NO.10

SECT I O N X I I 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  
C I V I L A P P E A L N O ( S ) . 6 3 0 9 - 6 3 1 0 O F 2 0 0 1

NALA J A L A SAV I T R A M M A

Appellant (s)

VE R S U S

STAT E OF A.P. & ORS.

Respondent(s)

(With prayer for interim relief and office report )

With

Contempt Petition (C) Nos. 127- 128/2005

[with appln. for stay and office report]

Date: 17/02 / 2 009 These Appeals were called on for hearing today.

COR A M :

HON' B L E M R. JUST I C E HA R J I T SING H B E D I

HON' B L E M R. JUST I C E H.L. DATTU

For Appellant(s) Mr. L.N. Rao, Sr. Adv.

Mr. G. Rama krishna Prasad, Adv.

Mr. Suyodhan Byrapaneni, Adv.

Mr. Amar Pal, Adv.

Mr. Bharat J. Joshi, Adv.

For Respondent(s) Mr. Y. Raja Gopala Rao, Adv.

Mr. T.N. Rao, Adv. (not present)

Mr. R. Sundarvardhan, Sr. Adv.

Mr. Manoj Saxena, Adv. for

Mr. T.V.George ,Adv

UPON hearing counsel the Court made the following

O R D E R

The civil appeals and contempt petitions  
disposed of in terms of signed order leaving the parties to  
bear their own costs.

stand

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(Pardeep Kumar)  
Court Master

(Neeru Bala Vij)  
Court Master

[signed order is placed on the file ]