

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 593 OF 2008
(Arising out of S.L.P.(C) No.8578/2007)

Saraswati Prasad & Ors.

...Appellants

Versus

Chetan Sahu & Ors.

...Respondents

ORDER

Leave granted.

In our view, ends of justice would be sub-served if Writ
Petition No.520/2007 filed by the appellants herein is allowed to be
converted into Appeal under Section 299 of the Indian Succession Act
(for short, the Act). This order is required to be passed because the
scope of Section 299 of the Act is much wider than the scope of the writ
petition.

Subject to above, the impugned order of the High Court passed
in the writ petition is set aside with liberty to the appellants herein to
move for conversion of the writ petition into Appeal under Section 299
of the Act. All other objections with regard to filing of the appeal shall
be complied with by the appellants herein.

Appeal is disposed of accordingly.

.....J.
(S.H. KAPADIA)

.....J.
(B. SUDERSHAN REDDY)

New Delhi,
January 21, 2008.
ITEM NO.48

COURT NO.7

SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8578/2007

(From the judgement and order dated 02/02/2007 in WPC No. 520/2007 of the
HIGH COURT OF JHARKHAND AT RANCHI)

SARASWATI PRASAD & ORS.

Petitioner(s)

VERSUS

CHE TAN SAHU & ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim relief)

Date: 21/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY

For Petitioner(s) Mr. K.V.Vishwanathan, Adv.
Mr. Anup Kumar, Adv.
Mr. Rutwik Panda, Adv.

For Respondent(s) Mr. Ajit Kumar Sinha, Adv.
Mr. Nitish Massey, Adv.
Mr. Shivalok Yashowardhan, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Appeal is disposed of in terms of the signed order.

(N. Annapurna)
Court Master

(Madhu Saxena)
Court Master

(Signed order is placed on the file.)