

pIT E M NO.1 0 3
[Pa rt- Heard]

COURT NO.1 1

S E C T I O N IVA

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) . 3 3 0 4 O F 2 0 0 1

S H I V A J I R A O D E A D B Y L R S

Appellant (s)

VER SUS

T H U L A S I & A N R .

Respondent(s)

(with office report)

Date: 1 6 / 0 9 / 2 0 0 8 This Appeal was called on for hearing today.

C O R A M :

H O N ' B L E M R . J U S T I C E D A L V E E R B H A N D A R I
H O N ' B L E M R . J U S T I C E H A R J I T S I N G H B E D I

For Appellant(s) Mr. R.S. Hegde, Adv.

Mr. Chandra Pr a k a s h , Adv.
Mr. Rahul Tyagi, Adv.
Mr. Ashwani Garg, Adv.
Mr. P. P . Singh, Adv.

For Respondent(s)

Mr. V.K. Jh anjhi, Sr. Adv.
Mr. Bha rgava V. Desai, Adv.
Mr. Rahul Gupta Adv.
Ms. Reem a Shar ma , Adv.

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

The appeal is disposed of in terms of the signed order.

(K. K. Chawla)
Court Master

(Neeru Bal a Vij)
Court Master

[Signed order is placed on the file]
I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 3 3 0 4 O F 2 0 0 1

S H I V A J I R A O D E A D B Y L R S

Appellant (s)

VER SUS

T H U L A S I & A N R .

Respondent(s)

O R D E R

1. This appeal is directed against the judgment and order dated
4.8. 1 9 9 9 passed by the High Court of K a r n a t a k a at Bangalore in R F A
No.6 4 / 1 9 9 6 .

2. We have heard learned counsel for the parties. During the course of hearing, learned senior counsel appearing for the respondents submitted that according to Section 6 of The Hindu Succession Act, 1956, the respondents (namely, Thulasi and B. Pu shp a, daughters of late Bhar moji Rao) are entitled to 1/ 3 rd share in the property.

3. We have carefully perused the impugned judgment. There is no discussion about this in the entire judgment. In this view of the matter, we deem it appropriate to set aside the impugned judgment and remit the matter to the High Court for deciding the case afresh in accordance with law. We order accordingly. All contentions are kept open.

4. Since the parties are agitating the matter for a long time, therefore, we request the High Court to dispose of the appeal as expeditiously as possible, in any event, within six months from today.

5. The appeal is, accordingly, disposed of.

..... J.
(Dalveer Bhand a ri)

..... J.
(Harjit Singh Bedi)

New Delhi;
September 16, 2008 .