

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).21463/2007

(From the judgement and order dated 12/01/2007 in RSA No.99/2000 of
The HIGH COURT OF H.P. AT SHIMLA)

SHAM SINGH Petitioner(s)

VERSUS

RANO DEVI @ SHEELA DEVI Respondent(s)

[With prayer for interim relief and office report]

Date: 06/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Shakti Chand Sharma, Adv. and
Mr. V.N. Raghupathy, Adv.

For Respondent(s) Mr. R.L. Khurana, Sr. Adv. for
Mr. M.C. Dhingra, Adv.

UPON hearing counsel the Court made the following
ORDER

A limited notice was issued by an order dated 02nd November 2007 as to why the matter should not be remitted to the High Court for consideration of the question as to whether the petitioner was the son of Ram Singh or not.

However, the learned counsel for the respondent has drawn our attention to the following observations made by the High Court in the impugned judgment :

"To decide the matter the Additional District Judge had framed two issues one is regarding the will and another whether defendant is the son of the deceased Ram Singh. Both these points have been decided against the defendant but the defendant has confined himself to the issue of validity of the will in this appeal."

SLP(C)No.21463/07 (contd.)

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In this view of the matter, we are of the opinion that no case has been made out for exercising our jurisdiction under Article 136 of the Constitution of India as it is well known that this Court shall go by the Judges' record.

The Special Leave Petition is dismissed accordingly.

(Subhash Chander)
A.R.-cum-P.S.

(Pushap Lata Bhardwaj)
Court Master