

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15246/2006

(From the judgement and order dated 09/03/2006 in SA No. 809/2003 of The HIGH COURT OF A.P AT HYDERABAD)

RENIKUNTLA RAJAMMA (D) BY LRS.

Petitioner(s)

VERSUS

K.SARWANAMMA

Respondent(s)

(With appln(s) for bringing LRs on record and prayer for interim relief and office report ))

Date: 31/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr.Nitin S.Tambwekar,Adv.

Mr. B.S.Sai,Adv.

Mr. K. Rajeev,Adv.

For Respondent(s) Mr.A.V.Rao, Adv.

Mr. Sateesh Galla, Adv.

Mr. Prabhakar Parnam, Adv.

Mr. Venkateswara Rao Anumolu,Adv.

UPON hearing counsel the Court made the following

O R D E R

The question which arises for consideration in this petition relates to the construction of a Deed of Gift dated 10.9.1973 purported to have been executed by Renikuntla Rajamma (since deceased) in favour of the respondent herein. The donor did not hand over possession of the said property. She also expressly reserved unto herself the right to enjoy the same during her life time. The deed of gift was executed subject to the aforementioned conditions. On construction of a document, there appears to be some conflict in the judgments of this Court in Naramdaben Maganlal Thakker Vs. Pranjivandas Maganlal Thakker and Ors. - (1997) 2 SCC 255 and K. Balakrishnan Vs. K. Kamalam & Ors. - (2004) 1 SCC 581. Both the decisions have been rendered by a Bench comprising of two Hon'ble Judges.

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In K. Balakrishnan (supra) the earlier binding precedent in Naramdaben (supra) had not been noticed. We are, therefore, of the opinion that keeping in view the conflict in the said decisions as also for an authoritative pronouncements on the provisions of Section 122 and 123 of the Transfer of Property Act, the matter should be heard by a larger Bench. It is directed accordingly.

The Registry is directed to place the records before the Hon'ble the Chief

Justice of India for passing appropriate orders.

Status-quo, as on today, shall be maintained by the parties.

Liberty to mention for early hearing.

(Meenu Sethi)

Court Master

(Pushap Lata Bhardwaj)

Court Master