

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

CIVIL APPEAL NO(s). 5916 OF 2006

HARI SHANKAR

Appellant (s)

VERSUS

DY.DIRECTOR, CONSOLIDATION & ORS.

Respondent(s)

Date: 27/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. C.D. Singh, Adv.
 Mr. Sunny Choudhary, Adv.
 Mr. Anuj, Adv.

For Respondent(s) Mr. Imtiaz Ahmad, Adv. for
 M/S. Equity Lex Associates, Adv.

 Mr. Prashant Chaudhary ,Adv(Not present)

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

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5916 OF 2006

Hari Shankar

..Appellant

versus

Dy. Director, Consolidation & Others

..Respondents

O R D E R

Heard learned counsel for the appearing parties.

This Appeal has been filed against the impugned judgment and order dated 03rd September, 2003 passed by the High Court of Judicature at Allahabad in Civil Misc. Writ

Petition No. 1574 of 1978 whereby the High Court has upheld the order of the Deputy Director, Consolidation dated 03.11.1977.

The admitted pedigree in this case is as follows:

		Hulasi	
Bodh		Varan	Parag
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Ram	Suryabali	Naresh	Mahabir
Dilip	Indrashan	Sahdeo Vikrama Sarwan	
Shiv Shankar (P3 to 5)		Shivdhar (R-3)	Gauri Shankar (R-4)
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Harishankar (P-1)		Harinarain (P-2)	

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The land in question originally belonged to one Hulasi who had three sons namely Bodh, Varan and Parag.

Varan died issueless and hence Hulasi's property devolved between his two sons Bodh and Parag in equal shares.

Hence, each branch of these two brothers will get half share of the property of Hulasi. The devolvement will thereafter be by per stripes and not per capita. The High

Court while upholding the order of the Deputy Director,

Consolidation has said that the branch of Parag will get

3/5th share. In our opinion, this is not correct. The branch of Parag will get half share of Hulasi's property.

Accordingly, we allow this appeal, set aside the order of the High Court and Deputy Director, Consolidation and restore the order of the Consolidation officer dated

5.11.1974. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 27, 2011

.....J.
[CHANDRAMAULI KR. PRASAD]