

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23283/2008

(From the judgement and order dated 02/07/2008 in RFA No. 7/2003
of The HIGH COURT OF GAUHATI AT GUWAHATI)

BINA LALA Petitioner(s)

VERSUS

AHALYA LALA & ORS. Respondent(s)

(With prayer for interim relief)

Date: 29/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Rajiv Dutta, Sr. Adv.
Ms. M.F. Humayunisa, Adv.
Mr. Kumar Dushyant Singh, Adv.
Mr. R. Nedumaran, Adv.

For Respondent(s) Mr. Manish Goswami, Adv.
for M/S Map & Co., Adv.

UPON hearing counsel the Court made the following
ORDER

Heard.

Having regard to the fact that the existence of a joint family
is not in dispute, the right of the widow to file a suit for partition
having regard to the provisions of the Hindu Succession act, 1956
cannot be disputed irrespective of the fact as to whether the family is
governed by Mitakshara or Dayabhaga School of Hindu Law.
The special leave petition is dismissed.

(Ajay Kr. Jain)
Court Master

(Pushap Lata Bhardwaj)
Court Master