

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9664 OF 2010

GEETHA KADAMBI & ANR.

APPELLANT(S)

VERSUS

S. AMBUJA & ORS.

RESPONDENT(S)

O R D E R

1. Having heard learned counsel for the parties, we find that on the one hand, the High Court has held that property is a joint family property and on the other hand finding has been recorded that there is no adverse possession by the defendant(s). At the same time, the Suit has been held to be barred by limitation.

2. The grievance of counsel for both sides is that evidence on record has not been considered by the High Court.

3. Having heard learned counsel for the parties at length and going through the record of the case, we are compelled to observe that in the first appeal, it was necessary for the High Court to appreciate the evidence on record and then to arrive at the findings. The findings which have been

arrived are irreconcilable and have not been arrived after assessment of evidence. It was necessary to do so in the first appeal. The High Court ought to have taken into consideration the documentary as well as the oral evidence on record of the respective parties. Since the same has not been done, we remit the matter to the High Court with a request to take into consideration the documentary as well as oral evidence on record and then render a fresh decision in first appeal in accordance with law, preferably within eight months from receipt of copy of this order.

4. Status quo, as it exists today, shall be maintained by the parties.

5. The civil appeal is allowed accordingly.

.....J.  
[ ARUN MISHRA ]

.....J.  
[ VINEET SARAN ]

.....J.  
[ S.RAVINDRA BHAT ]

NEW DELHI,  
OCTOBER 03, 2019.

ITEM NO.106

COURT NO.4

SECTION IV-A

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

Civil Appeal No(s). 9664/2010

GEETHA KADAMBI &amp; ANR.

Appellant(s)

VERSUS

S.AMBUJA &amp; ORS.

Respondent(s)

Date : 03-10-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s)      Mr. M.S. Ganesh, Sr. Adv.  
                                 Mr. T.V.S. Raghavendra Sreyas, AOR  
                                 Mrs. Gayatri Gulati Sreyas, Adv.

For Respondent(s)      Mr. S.K. Kulkarni, Adv.  
                                 Mr.M. Gireesh Kumar, Adv.  
                                 Mr. Ankur S. Kulkarni, AOR

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

The civil appeal is allowed in terms of the signed order.

Status quo, as it exists today, shall be maintained by the parties.

Pending applications, if any, stand disposed of.

[ CHARANJEET KAUR ]  
A.R. -CUM-P.S.

[ JAGDISH CHANDER ]  
COURT MASTER

[ Signed order is placed on the file ]