

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION Diary No(s).11133/2023

IN

CIVIL APPEAL NOS.5340-5342 OF 2012

VIMALABAI

...Petitioner

VERSUS

KANTEPPA (D) BY LRS. AND ORS.

...Respondents

O R D E R

Heard learned counsel for the parties.

2. It appears that initially the appeal was dismissed for not being supported by petitioner's affidavit, as required, and later on, when time was granted, it was affirmed by learned Advocate-on-Record and the Court had granted time to get the affidavit affirmed by the party concerned. The learned counsel for the petitioner submits that despite their best efforts, nobody could be contacted and thus, the same could not be complied with. However, he frankly admits that for the said purpose, the Court had granted time on a number of occasions earlier.

3. Learned counsel for the respondents submit that even on merits, the petitioner claims to be the second wife of the deceased and in a suit for partition, shares have been given to all the parties, including the children born to the petitioner, but because of the statutory provisions, the petitioner being the second wife and the marriage having been performed during the lifetime of the first spouse, legally she is not entitled to any share in the property of the deceased-husband.

4. Having considered the matter in its entirety, the Court feels that no useful purpose would be served by keeping the matter pending and thus, the same should be given a quietus.

5. Accordingly, the Interlocutory Applications No.83253/2023, 94143/2023 and 54424/2023 stand dismissed.

6. The Miscellaneous Application is disposed of.

....., J.
(AHSANUDDIN AMANULLAH)

NEW DELHI;
AUGUST 21, 2024.

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

MISCELLANEOUS APPLICATION Diary No(s).11133/2023

VIMALABAI**Petitioner(s)****VERSUS****KANTEPPA (D) BY LRS. AND ORS.****Respondent(s)**

**(IA No. 83253/2023 - APPLICATION FOR PERMISSION
IA No. 94143/2023 - CONDONATION OF DELAY IN FILING APPLICATION FOR
RESTORATION
IA No. 54424/2023 - RESTORATION)**

Date : 21-08-2024 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
[IN CHAMBER]**

For Petitioner(s) Dr. Sushil Balwada, AOR
Ms. Nandini B., Adv.
Mr. Srilok Nath Rath, Adv.
Ms. Reena Rao, Adv.
Mr. Sujoy Gaur, Adv.
Mr. Sandeep, Adv.
Mr. Kashyap Kumar Dwivedi, Adv.

For Respondent(s) Mr. Abdul Azeem Kalebudde, Adv.
Mr. P.R. Ramasesh, AOR

Mr. H. Chandra Sekhar, AOR

Mr. Anil Kumar, AOR

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

- 1. The Interlocutory Applications No.83253/2023, 94143/2023 and 54424/2023 stands dismissed.**
- 2. The Miscellaneous Application is disposed of in terms of the Signed Order placed on the file.**

**(VIJAY KUMAR)
COURT MASTER (SH)**

**(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)**