

ITEM NO.32

COURT NO.5

SECTION XI

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 (C) NOS.16470-16471/2023

[Arising out of impugned final judgment and order dated 04-01-2023 in WB No. 5317/1979 08-05-2023 in CMRA No.61/2023 passed by the High Court of Judicature at Allahabad]

DURGA PRASAD (DEAD) THR LRS & ANR.

PETITIONER(S)

VERSUS

JOINT DIRECTOR & ORS.

RESPONDENT(S)

(IA No. 220169/2023 - APPLICATION FOR PERMISSION
IA No. 220151/2023 - INTERVENTION/IMPLEADMENT
IA No. 141519/2023 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 19-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Mr. Keane Sardinha, Adv.
Mr. Vibhuti Sushant Gupta, Adv.
Ms. Aparna Gupta, Adv.
Mr. Narender Kumar Verma, AOR

For Respondent(s) :Mr. Dinesh Dwivedi, Sr. Adv.
Mr. Krishnam Mishra, AOR
Mr. Param Kumar Mishra, Adv.
Mr. Nishant Singh, Adv.
Mr. Jagjeet Kumar Bhatt, Adv.

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

1. Leave granted.
2. The appeals are partly allowed and the impugned order is set aside partially in terms of the signed order which is placed on the file.

3. The operative part of the signed order is read as under:-

"25. Accordingly, the appeals are partly allowed and the impugned order is set aside partially. We hold that the appellants would be entitled to 2/3rd share, and the respondent no. 2 would be entitled to 1/3rd share of the subject property. For the sake of avoiding any further confusion, we also make it clear respondents no. 5 to 7 before this Court are the legal heirs of Ram Prakash, who was Petitioner No. 3 before the High Court and also belong to the lineage of Ochchey Lal. As such, it is clarified that the familial lineage of Ochchey Lal, in its entirety, shall be entitled to the above-stated 2/3rd share in the property.

26. Further, the amount of Rs. 2,00,000/- (now the amount of the Fixed Deposit Receipt (FDR) is Rs. 2,14,162/-) deposited by the appellants is directed to be released in their favour, alongwith accrued interest if any.."

4. Pending application(s), including application(s) for impleadment, if any, stands disposed of.

(JAGDISH KUMAR)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)