

h%IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 579 OF 2016
(Arising out of SLP (C) No.36352 of 2014)
RAM KUMAR AND ORS

â- | APPELLANTS

VERSUS

â- | RESPONDENTS

RATI RAM AND ORS
O R D E R

Leave granted.

Heard Mr. Sanchar Anand, learned counsel for the appellants and Mr. Rishi Malhotra, learned counsel for the respondents. Questioning the correctness of the judgment and decree passed by the High Court in R.S.A. No.2892 of 2014, it is submitted by Mr. Sanchar Anand, learned counsel for the appellants that the High Court has not appreciated the real question of law and declined to condone the delay of 537 days. According to Mr. Anand, the daughters of a Hindu who had expired prior to 9.9.2005 would not be entitled to share in ancestral property as per the Hindu Succession Act, 1956, for the provisions brought vide amendment dated 9.9.2005 could not be retrospective.

Mr. Rishi Malhotra, learned counsel for the respondents would contend that such a ground was not raised in the second appeal. That apart, he would further submit, that the High Court has correctly not condoned the delay.

Having heard learned counsel for the parties at length and taking note of the grounds urged in this appeal, by way of special leave, we think that the cause of justice would be sub-served if

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the judgment and decree rendered by the High Court is set aside and the matter is remitted to the High Court for framing a substantial question of law in this regard and hearing the appeal on its merits. However, as the matter has to be remitted to grant an opportunity to the appellants, we direct that the appellant shall deposit a sum of Rs.75,000/- (Rupees seventy five thousand only) before the High Court towards costs by the end of March, 2017. On such deposit being made, the Registry of the High Court shall disburse the amount in favour of the respondents on proper identification. After the amount is deposited, second appeal shall be taken up and adverted to as observed hereinabove. Be it clarified, we have not expressed any opinion on the merits of the grounds that have been urged before us in appeal. We have only remitted the matter as such a ground requires to be adjudicated on the basis of the evidence and record also. The High Court would be well advised to dispose of the the second appeal within six months hence.

Resultantly, the appeal is allowed, the impugned order passed by the High Court is set aside and the matter is remitted subject to payment of costs of Rs.75,000/- (Rupees seventy five thousand only). There shall be no order as to costs in this appeal.

.....,J.

(Dipak Misra)

.....,J.

(R. Banumathi)

New Delhi;

January 16, 2017.

ITEM NO.65

COURT NO.2

SECTION IVB

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) No(s). 36352/2014
(Arising out of impugned final judgment and order dated 27/05/2014
in RSA No. 2892/2014 passed by the High Court Of Punjab & Haryana
At Chandigarh)

RAM KUMAR AND ORS

Petitioner(s)

VERSUS

RATI RAM AND ORS

Respondent(s)

(with interim relief and office report)

Date : 16/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MRS. JUSTICE R. BANUMATHI
For Petitioner(s) Mr. Sachar Anand, Adv.
Mr. Apoorv Singhal Adv.
Mr. Rajiv Singhal, Adv.
Mr. Devendra Singh, Adv.

For Respondent(s) Mr. Rishi Malhotra, Adv.
Mr. R. Rohan Sharma, Adv.
Mr. Prem Malhotra, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order, the
impugned order passed by the High Court is set aside and the matter
is remitted subject to payment of costs of Rs.75,000/- (Rupees
seventy five thousand only). There shall be no order as to costs
in this appeal.

(Gulshan Kumar Arora) (H.S. Parasher)

Court Master Court Master

(Signed order is placed on the file)