

Vineeta Sharma vs Rakesh Sharma on 29 September, 2021

Bench: S. Abdul Nazeer, Krishna Murari

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6227 OF 2021
(Arising out of SLP (Civil) No.6403 of 2019)

GIRIJAVVA & ORS.

...Appellant(s)

Vs.

KUMAR HANMANTAGOUDA & ORS.

...Respondent(s)

WITH

CIVIL APPEAL NOS.6228-6229 OF 2021
(Arising out of SLP(Civil) Nos.1766-1767 of 2020)

CIVIL APPEAL NO. 6230 OF 2021
(Arising out of SLP(Civil)No.38542 of 2016)

CIVIL APPEAL NO.6231 OF 2021
(Arising out of SLP(Civil)No.684 of 2016)

CIVIL APPEAL NO. 6232 OF 2021
(Arising out of SLP(Civil)No.14353 of 2019)

CIVIL APPEAL NO. 6233 OF 2021
(Arising out of SLP(Civil)NO.24901 of 2019)

ORDER

Civil Appeals arising out of SLP(Civil)No(s).6403 of 2019, 1766-1767 of 2020, 14353 of 2019 and 24901 of 2019 Leave granted.

A Three Judge Bench of this Court in the case of Vineeta Sharma vs. Rakesh Sharma and Others reported in (2020) 9 SCC 1 has decided the legal questions involved in these appeals.

In view of the above, the matters require reconsideration by the High Court. Hence, the judgment(s) impugned herein are set aside and these matters are remitted back to the High Court for fresh disposal in accordance with the aforesaid judgment of this Court.

The appeals are accordingly disposed of.

Civil Appeal arising out of SLP(Civil)No.38452 of 2016 Delay in filing applications for substitution is condoned, abatement, if any, is set aside and the applications for substitution to bring on record the

legal representatives of deceased respondent nos.2, 3, 10 and 20 are allowed.

Leave granted.

Admittedly, after the preliminary decree, the final decree proceedings are pending before the trial court. The shares have to be allocated in terms of the judgment in the case of Vineeta Sharma (supra). Hence, the judgment impugned herein is set aside and the matter is remitted back to the High Court for fresh disposal in accordance with the aforesaid judgment of this Court.

The High Court is requested to dispose of the Civil Revision Petition as expeditiously as possible.

The appeal is accordingly disposed of.

Civil Appeal arising out of SLP(Civil)NO.684 of 2016 Leave granted.

A Three-Judge Bench of this Court in the case of Vineeta Sharma vs. Rakesh Sharma and Others reported in (2020) 9 SCC 1 has decided the legal questions involved in this appeal.

In view of the above, the matter requires reconsideration by the High Court. Hence, the judgment impugned herein is set aside and the matter is remitted back to the High Court for fresh disposal in accordance with the aforesaid judgment of this Court.

At this stage it is brought to our notice by the learned counsel for the appellants that the matter has been settled between the parties and in this regard an application, I.A. NO.77715/2020, has been filed.

If that be so, learned counsel is at liberty to make appropriate application before the High Court. Hence, we are not passing any orders on this application. The Registry is directed to return the aforesaid application to the learned counsel for the appellants.

The appeal is accordingly disposed of.

.....J. [S. ABDUL NAZEER]J. [KRISHNA MURARI] New Delhi;

September 29, 2021.

ITEM NO.11

Court 7 (Video Conferencing)

SECTION XIV-A

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

CIVIL APPEAL Diary No(s). 32601/2018 (Arising out of impugned final judgment and order dated 15-05-2018 in RFA No. 301/2017 passed by the High Court of Delhi at New Delhi) VINEETA SHARMA Petitioner(s) VERSUS RAKESH SHARMA & ORS. Respondent(s) (IA No. 38236/2021 - APPROPRIATE ORDERS/DIRECTIONS IA No. 173973/2018 - CLARIFICATION/DIRECTION IA No. 139136/2018 - CONDONATION OF DELAY IN FILING IA No. 43678/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) (IA No. 32774/2019 - EXEMPTION FROM FILING O.T.) SLP(C) No. 1766-1767/2020 (FOR ADMISSION and I.R.) (IA No. 122631/2017 - APPLICATION FOR SUBSTITUTION IA No. 122620/2017 - APPLICATION FOR SUBSTITUTION IA No. 122647/2017 - APPLICATION FOR SUBSTITUTION IA No. 122637/2017 - APPLICATION FOR SUBSTITUTION IA No. 122623/2017 - CONDONATION OF DELAY IN FILING IA No. 122649/2017 - CONDONATION OF DELAY IN FILING IA No. 122639/2017 - CONDONATION OF DELAY IN FILING IA No. 122633/2017 - CONDONATION OF DELAY IN FILING IA No. 122635/2017 - I A FOR EXEMPTION FOR DEATH CERTIFICATE IA No. 2/2017 - PERMISSION TO FILE ANNEXURES) (MATTER TAGGED WITH C.A D. No. 32601 of 2018) (IA No. 77715/2020 - FILING MEMORANDUM OF DRAFT COMPROMISE ON RECORD) (IA No. 79112/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT IA No. 79114/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES) (IA No. 24197/2020 - CONDONATION OF DELAY IN FILING THE SPARE COPIES IA No. 152173/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT) Date : 29-09-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER HON'BLE MR. JUSTICE KRISHNA MURARI For Petitioner(s) Mr. Biswajit Bhattacharya, Sr. Adv.

Ms. Rashmi Nandakumar, AOR Mr. Rohit Rathi, Adv.

Mr. Sameer Shrivastava, AOR Mr. Raghavendra S. Srivatsa, Adv. Mr. Pai Amit, AOR Mr. Poonacha C.M., Adv.

Ms. Komal Mundhra, Adv.

Mr. Saurabh Agrawal, Adv. Ms. Pankhuri Bhardwaj, Adv. Mr. Rahat Bansal, Adv.

Mr. Ankolekar Gurudatta, AOR Mr. V. N. Raghupathy, AOR Mr. Md. Apzal Ansari, Adv.

Mr. Shanthkumar V. Mahale, Adv. Mr. Rajesh Mahale, AOR Ms. Neelam Sharma, Adv.

Ms. Pankhuri Shrivastava, Adv. Mr. Alekshendra Sharma, Adv. Mr. Rupesh Kumar, AOR Mr. Byrapaneni Suyodhan, Adv. Ms. Tatini Basu, AOR For Respondent(s) Mr. Subhasish Mohanty, AOR Mr. Satya Kam Sharma, Adv. Mr. Satyajit A. Desai, Adv. Mr. Siddharth Gautam, Adv. Ms. Anagha S. Desai, AOR Mr. Sridhar Potaraju, AOR Ms.

Shiwani Tushir,Adv.

Mr. Aayush,Adv.

Mr. Irshad Ahmad, AOR Mr. K.Sita Rama Rao,Adv.

Mr. Rahul Singh,Adv.

Mr. Shree Pal Singh, AOR UPON hearing the counsel the Court made the following O R D E R IA Nos. 38236/2021 and 43678/2021 in Civil Appeal Dy.No.32601 of 2018 Issue notice on these applications. Four weeks' time is granted to file reply to the applications.

List the matter after four weeks.

Learned counsel for the respondents submits that the impugned order is in conformity with the decision of this Court in the case of Vineeta Sharma vs. Rakesh Sharma and Others reported in (2020) 9 SCC 1.

Learned counsel for the petitioner is not connected through video conferencing.

List the matter next week.

SLP(Civil)No.6403/2019, 1766-1767/2020, 38542/2016, 684/2016, 14353/2019 and 24901/2019 Leave granted.

The appeals are disposed of in terms of the signed order. Pending applications also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(KAMLESH RAWAT)
COURT MASTER

(Signed order is placed on the file)