

CASE NO.:
Appeal (civil) 3111 of 1995

PETITIONER:
Pallam Ahammed (D) by LRs and Ors.

RESPONDENT:
Vs.
Pallippomi Ahammed (D) by LRs & others

DATE OF JUDGMENT: 22/07/2003

BENCH:
M.B. Shah & A.R.Lakshmanan.

JUDGMENT:

O R D E R

WITH

CIVIL APPEAL NOS. 4352/1999, 6935/2000 & 2615/2001

CIVIL APPEAL NO. 3111/1995 :

Heard the learned counsel for the parties.

Considering the reasons recorded by the High Court in the impugned judgment and decree, it does not call for any interference. Hence, this appeal is dismissed. There shall be no order as to costs.

CIVIL APPEAL NO. 4352 OF 1999 :

Heard the learned counsel for the parties.

In Second Appeal, by the impugned judgment and decree, the High Court confirmed the finding of facts arrived at by the courts below by relying upon the judgment rendered in similar other matters. The said judgment and decree does not call for any interference. Hence, the appeal is dismissed. There shall be no order as to costs.

CIVIL APPEAL NO. 6935 OF 2000:

Learned counsel for the parties state that parties have settled their disputes outside the Court. In this view of the matter, learned counsel for the appellant seeks leave to withdraw this appeal. Permission is granted. Appeal stands disposed of as withdrawn.

CIVIL APPEAL NO. 2615 OF 2001 :

Heard the learned counsel for the appellant.

The High Court has not decided the Second Appeal by considering the facts of the case and has allowed the memorandum of cross objections and held that the suit is not maintainable. In our view, the High Court ought to have considered the facts of the case and applied the law laid down with regard to alienation and partition of property belonging to Tarwad family.

In this view of the matter, the appeal is allowed and the impugned judgment and decree dated 20th November, 2000 passed in A.S. No. 169/2000 is set aside. The appeal and the cross objections are remitted to the High Court for deciding them in accordance with

law. There shall be no order as to costs.

JUDIS