

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8505 OF 2009

SHEIKH YAKUB(D) BY LRS.

Appellant(s)

VERSUS

SAKINABI (D) BY LRS.

Respondent(s)

J U D G M E N T

KURIAN, J.

1. The trial court and the High Court have entered a clear finding that late Mariyambi could not prove the factum of oral gift. Despite being the donee, she did not mount the box to prove the oral gift. The Sale Deed executed by her in the year 1978 does not trace her title to the oral gift. The Record of Rights also does not support the case of Mariyambi on the oral gift.

2. Therefore, we do not find any justification to disturb such findings in the absence of any other counter evidence. The appeal is, hence, dismissed.

.....J.
[KURIAN JOSEPH]

.....J.
[SANJAY KISHAN KAUL]

New Delhi;
July 11, 2018.