

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.

ITEM NO.102

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8505/2009

SHEIKH YAKUB(D) BY LRS.

Appellant(s)

VERSUS

SAKINABI (D) BY LRS.

Respondent(s)

Date : 11-07-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Appellant(s) Mr. J. P. Singh, Adv.
Mr. R. C. Kaushik, AOR

For Respondent(s) Mr. Satyajit A. Desai, Adv.
Mr. Mehmood Umar Faruqui, Adv.
Ms. Anagha S. Desai, AOR

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

The appeal is dismissed in terms of the signed non-reportable
Judgment.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)