

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2844 OF 2011

REVANASIDDAPPA & ANR.

APPELLANT(S)

VERSUS

MALLIKARJUN & ORS.

RESPONDENT(S)

O R D E R

C.A. NO.2844 OF 2011:

Delay in filing substitution application is condoned. Abatement is set aside. Application for substitution to bring on record the legal representatives of deceased-respondent no.4 is allowed.

Application for intervention is allowed.

The question of law involved in this appeal has been settled by a larger Bench decision of this Court in 'Revanasiddappa & Anr Vs Mallikarjun & Ors.', reported in 2023 SCC ONLINE SC 1087.

In such view of the matter, nothing survives for consideration in this appeal. However, the parties are at liberty to seek a further preliminary decree as the respondent No.4 is no more. If such an application is filed, the same has to be decided on its own merits and in accordance with law, as

law does not prohibit successive preliminary decree by taking into consideration the subsequent development of facts and law.

The appeal stands disposed of in the above terms.

Pending application(s), if any, also stand disposed of.

C.A. No. 7318/2014:

Heard learned counsel for the appellants.

Despite notice being served and the name of the counsel appearing in the cause list, none appears on behalf of the respondents.

A short question that arises for consideration is as to whether the appellants being the illegitimate children born out of the relation between Hira Lal (deceased) and Sarti @ Manbhari are entitled for appropriate shares of the properties. The Courts below held that the appellant being the illegitimate children of the deceased Hira Lal it is only his brother Mangla and others who are entitled to their respective shares and not the appellants.

Learned counsel appearing for the appellants submits that the issue involved has been settled by the larger Bench decision of this Court in 'Revanasiddappa & Anr Vs Mallikarjun & Ors.', reported in 2023 SCC ONLINE SC 1087, where the rights of the illegitimate children over the property of the father is covered. We find force in the aforesaid contention raised.

In view of the aforesaid pronouncement of law by the larger Bench of this Court in the judgment referred to in '*Revanasiddappa*' (*supra*), the impugned judgment confirming the judgment of the Trial Court stands set aside and the matter is remitted back to the Trial Court for passing a fresh preliminary decree.

The appeal stands allowed and the Trial Court is directed to pass a fresh preliminary decree by taking note of the law laid down in '*Revanasiddappa*' (*supra*).

Pending application(s), if any, shall stand disposed of.

C.A. No. 4398/2019 :

The issue raised in this appeal is covered by the larger Bench decision of this Court in '*Revanasiddappa & Anr Vs Mallikarjun & Ors.*', reported in 2023 SCC ONLINE SC 1087.

In such view of the matter the appeal stands disposed of. However, it is well open to the parties including the appellants to exercise their remedy by seeking another preliminary decree in terms of the judgment aforementioned.

The appeal is disposed of accordingly.

C.A. No \_\_\_\_\_ @ SLP (C) No.1573-1574/2021:

Leave granted.

The only question to be considered in this appeal is as

to whether the appellant nos. 2 to 5 being the illegitimate children of the first appellant are entitled for any share in the suit properties or not. As already been decided by this Court hereinabove in 'Revanasiddappa & Anr Vs Mallikarjun & Ors.', reported in 2023 SCC ONLINE SC 1087 to the effect that an illegitimate child is entitled for a share in the property allotted to the father.

In such view of the matter nothing survives for consideration, while making it clear that it is always open to the first appellant to deal with his share as he likes and in the event of his death, the shares of the remaining appellants can be worked out.

The appeals are disposed of in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.  
[M.M. SUNDRESH]

.....J.  
[ARAVIND KUMAR]

NEW DELHI;  
29<sup>th</sup> NOVEMBER, 2023

ITEM NO.101

COURT NO.15

SECTION IV-A

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). 2844/2011

REVANASIDDAPPA &amp; ANR.

Appellant(s)

VERSUS

MALLIKARJUN &amp; ORS.

Respondent(s)

([ TOP OF THE BOARD ]

IA No. 176444/2019 - APPLICATION FOR SUBSTITUTION

IA No. 176447/2019 - CONDONATION OF DELAY IN FILING

SUBSTITUTION APPLN.

IA No. 176445/2019 - SETTING ASIDE AN ABATEMENT)

WITH

C.A. No. 7318/2014 (IV)

SLP(C) No. 81/2016 (IX)

C.A. No. 4398/2019 (III)

SLP(C) No. 14176-14177/2016 (XII)

SLP(C) No. 27834/2017 (IX)

(IA No.56102/2017-CONDONATION OF DELAY IN REFILING and and IA  
No.56101/2017-CONDONATION OF DELAY IN FILING and IA  
No.56103/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT)

SLP(C) No. 23397-23398/2018 (IX)

C.A. No. 2312/2021 (III)

SLP(C) No. 1573-1574/2021 (IV-A)  
(FOR ADMISSION)

Date : 29-11-2023 These matters were called on for hearing  
today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Appellant(s)

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Mr. Shivang Singh, Adv.  
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Mr. Prateek Yadav, Adv.  
Mr. Puran Mal Saini, Adv.  
Mr. Mohammed Shahruckh, Adv.  
Mr. Yogesh Yadav, Adv.  
Mr. Harsh Gupta, Adv.

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Mr. Harshit Agarwal, Adv.

Mr. Balaji Srinivasan, AOR

For Respondent(s) Ms. Abha R. Sharma, AOR

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Mr. Karthik Jayashankar, Adv.  
Mr. Anshuman Bahadur, Adv.  
Mr. PB Sashaankh, Adv.

Mr. Sathyanarayan, Sr. Adv.  
Mr. Vishnu, Adv.  
Mr. Abid Ali Beeran P, AOR

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Mr. Sreevatsan, Adv.  
Mr. B.Ragunath, Adv.  
Mrs. N.C.Kavitha, Adv.  
Mr. Vijay Kumar, AOR

Mr. S. Rajappa, AOR  
Mr. Avinash B. Amarnath, AOR

Mr. Mandaar Mukesh Giri, Adv.  
Ms. Mohini Giri, Adv.  
Mr. Mukesh K. Giri, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

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Mr. Raghav Deshpande, Adv.

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Ms. Harsimran Kaur Rai, Adv.  
Mr. Mohit Gautam, Adv.  
Mr. Apoorv Sharma, Adv.  
Mr. Haris Ahmad, Adv.

Mr. Rajesh Mahale, AOR  
Mr. Shanth Mahale, Adv.  
Mr. Sriram P., AOR

Ms. Jyotika Kalra, AOR  
Mr. Joydeep Mukherjee, Adv.

Mr. Lakshmi Raman Singh, AOR  
Mr. H. Chandra Sekhar, AOR

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Mr. B. Krishna Prasad, Adv.  
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Mr. P.V. Yogeswaran, AOR  
Mr. Ashish Kumar Upadhyay, Adv.  
Mr. V. Kandhi Prabhu, Adv.  
Ms. Maitri Goal, Adv.  
Mr. Sachin Kumar Verma, Adv.  
Mr. Naganpillai, Adv.  
Ms. Bhaswati Anukampa, Adv.  
Mr. Sanjeev Kumar, Adv.

Mr. Vijay Kumar P. Panpalia, Adv.  
Mr. Rohit Anil Rathi, Adv.  
Mr. Yashas R.K., Adv.  
Mr. Apoorv Kurup, Adv.

Mr. V. Prabhakar, Adv.  
Ms. Jyoti Parashar, Adv.  
Mr. N.J. Ramchandar, Adv.  
Ms. S. Rajappa, AOR

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

C.A. NO.2844 OF 2011 & C.A. No. 4398/2019 & C.A. No @ SLP  
(C) No.1573-1574/2021:

Leave granted in SLP(C) Nos.1573-1574/2021.

The appeals are disposed of in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

C.A. No.7318/2024

The appeal is allowed in terms of the signed order which is placed on the file.

Pending application(s), if any, shall stand disposed of.

SLP(C) No. 81/2016, SLP(C) No. 27834/2017, SLP(C) No. 23397-  
23398/2018 & C.A. No. 2312/2021

List these matters after Christmas Holidays.

SLP(C) No. 14176-14177/2016,

Heard learned counsel appearing for the parties.

Taking into consideration the averments made, we are inclined to permit the applicant to withdraw 1/3rd of the amount lying on the file of Additional District Judge and Fast Track Court No.1 in O.S. No.269/2004 subject to furnishing bank guarantee and subject to the final order to be passed in this very suit.

**List in the 2<sup>nd</sup> week of February, 2024.**

**(KAVITA PAHUJA)  
COURT MASTER (SH)**

**(RENU BALA GAMBHIR)  
COURT MASTER (NSH)**