

ITEM NO.118

COURT NO.8

SECTION III-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 NO(S).13710/2024

JAVED (D) TH. LRS AND ANOTHER

APPELLANT(S)

VERSUS

JAMSHED ALI(D) THR LRS AND ORS.

RESPONDENT(S)

(IA NO. 146595/2024 - APPLICATION FOR CONDONATION OF DELAY IN
FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT

IA NO. 115935/2024 - APPLICATION FOR SUBSTITUTION

IA NO. 115938/2024 - CONDONATION OF DELAY IN FILING SUBSTITUTION
APPLN.

IA NO. 115941/2024 - EXEMPTION FROM FILING O.T.

IA NO. 88067/2024 - INTERVENTION/IMPLEADMENT

IA NO. 115939/2024 - SETTING ASIDE AN ABATEMENT)

Date : 09-01-2025 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) Ms. Rachana Srivastava, Sr. Adv.
Mrs. Mona K. Rajvanshi, AOR
Mr. Anurag Kashyap, Adv.

For Respondent(s) Mr. Somiran Sharma, AOR
Mrs. Seema Sharma, Adv.
Mr. Utkarsh Kumar, Adv.
Ms. Rekha, Adv.
Ms. Shalini Thakur, Adv.

Mr. Tanmaya Agarwal, AOR
Mr. Wrick Chatterjee, Adv.
Mrs. Aditi Agarwal, Adv.

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

We have heard learned senior counsel for the
appellants and learned counsel for the respondents.

On perusal of the order dated 02.04.2004 passed by

the Allahabad High Court in Writ Petition No.1286 of 1968, it is noted that the fact that Smt.Khatoon had married Mansab Ali after the demise of her husband - Mohd. Naqi, was found to be true by judgment and decree in Civil Appeal No.213 of 1959, which was allowed. The said appeal was filed by Jamshed Ali.

The only question, which requires to be considered is whether owing to the said marriage Smt.Khatoon, widow of Mansab Ali would lose all her right, title and interest in the estate which she has inherited from Mansab Ali.

The petitioners herein are none other than the legal heirs of Smt.Khatoon. If Smt.Khatoon, in law, loses her right, title and interest in the estate of Mansab Ali, which she has inherited as his widow, then possibly her legal heirs would also not have right, title and interest. In that case, the petitioners herein, who are the legal heirs of Smt.Khatoon, will have no right, title and interest.

In order to ascertain this position of law, list on 16.01.2025.

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)