

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

M.A. NO.75 of 2017 in C.A.No(s). 575/2017

RAM KUMAR & ORS. Petitioner(s)

VERSUS

MOHINDER NATH SHARMA(D) THR. LRS. & ANR. Respondent(s)

WITH

MA 649/2017 in C.A. No. 575/2017

RAM KUMAR & ORS. Petitioner(s)

VERSUS

MOHINDER NATH SHARMA(D) THR. LRS. & ORS. Respondent(s)

O R D E R

(1) These applications have been filed by the parties for distribution of Rs.30,00,000/- amongst the appellants.

(2) While disposing of Civil Appeal No.575 of 2017, this Court vide Order dated 11.01.2017 has directed that the legal representatives of the first respondent-Mohinder Nath Sharma shall continue to remain in possession of the suit premises which comprises of factory and certain appurtenant land and building. In that order, it was directed that the appellants shall execute the sale deed in respect of 1360 sq. yards of land in favour of the legal heirs of the first respondent who were directed to deposit a sum of Rs.30,00,000/-. In compliance of the said order dated 11.01.2017, Rs.30,00,000/- has been deposited by the respondents before this Court.

(3) The only question to be considered is how to apportion Rs.30,00,000/- amongst appellant no.1 (Ram Kumar), appellant no.2 (Jai Prakash) and legal heirs of appellant no.3 (Parmanand).

(4) A will, dated 15.12.2004 said to have been executed by the deceased appellant no.3-Parmanand in favour of his legal representatives, has been produced by which he is said to have bequeathed his property to appellants No.3(b)-Ram Chander Bhardwaj, No.3(c)-Suresh Kumar Bhardwaj, No.3(d)-Surender Kumar Bhardwaj and No.3(e)-Daulat Ram Bhardwaj in equal shares to the exclusion of his son-Ram Kumar (appellant No.1) and five daughters and also his wife. The correctness of the said will is disputed by the deceased-Parmanand's daughters.

(5) Since this court is only concerned with the limited question of apportionment of Rs.30,00,000/- amongst the parties, we are not inclined to go into the correctness of the said will in these proceedings. It is open to the parties to establish the correctness of the will in an appropriate forum and all questions raised qua the genuineness of the said will are left open to be determined in the competent court of law.

(6) Insofar as the apportionment of amount of Rs.30,00,000/- is concerned, considering the interest of parties and in the interest of justice the following order is passed :

(i) Appellant no.1-Ram Kumar and appellant no.2-Jai Prakash shall be entitled to Rs.10,00,000/- each along with the accrued interest and the balance of Rs.10,00,000/- shall be divided among the legal representatives of

appellant no.3-Parmanand;

(ii) Learned counsel appearing for appellant no.3(a)-Ram Kumar and appellant no.3(g)-Darshana who are getting amount of Rs.10,00,000/- has stated that appellant no.3(a) and 3(g) are relinquishing their right to claim their share of amount as the legal representatives of appellant NO.3-Parmanand.

(iii) Having regard to such submissions, the amount of Rs.10,00,000/- of appellant no.3-Parmanand shall be distributed at the rate of Rs.1,25,000/- along with the accrued interest amongst the following legal representatives of appellant no.3-Parmanand viz.: appellants No.3(b)-Ram Chander Bhardwaj, No.3(C)-Suresh Kumar Bhardwaj, No.3(d)-Surender Kumar Bhardwaj, No.3(e)-Daulat Ram Bhardwaj, No.3(f)-Raj Balla, No.3(h)-Nirmala, No.3(i)-Sumitra and No.3(j)-Sushma;

(iv) All the parties shall be entitled to their respective apportioned amount, as aforesaid, with proportionate rate of accrued interest.

(v) The Registry is directed to draw/issue cheques in the names of the respective appellants/legal heirs of the appellant as aforesaid for the aforesaid amount along with the accrued interest and directed to hand over either to the parties or to their representatives including the advocates forthwith.

(vi) On receipt of the amount, the appellants No.1-Ram Kumar and No.2-Jai Prakash shall ensure that the original

documents are obtained from the Trial Court and handed over to the legal heirs of the first respondent-Mohinder Nath Sharma. In case of necessity, the legal heirs of appellant no.3-Parmanand shall also cooperate with the appellants no.1 and 2 in getting the return of the original documents.

(7) In view of above, M.A. No.75 of 2017 and M.A.No.649 of 2017 are disposed of.

.....J.
(R. BANUMATHI)

.....J.
(A.S. BOPANNA)

NEW DELHI,
AUGUST 1, 2019.

ITEM NO.13

COURT NO.6

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

M.A. NO.75 of 2017 in C.A.No(s). 575/2017

RAM KUMAR & ORS.

Petitioner(s)

VERSUS

MOHINDER NATH SHARMA(D) THR. LRS. & ANR.

Respondent(s)

(IA No. 50467/2017 - Application (s) on behalf of legal heirs 3(b) to 3(e) of appellant No.3 for proposed distribution of a sum of RS. 30,00,000/-)

WITH MA 649/2017 in C.A. No. 575/2017 (XIV)

(Application for recalling Court's Order dated 31.7.2017 passed in M.A. No.75/2017 - IA No. 77487/2017)

I.A. No.61362/2019 in M.A. No.649/2017

(Application filed by legal heirs 3(g), 3(h) and 3(j) of appellant no.3 for distribution of a sum of Rs.30,00,000/-)

Date : 01-08-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Arvind Gupta, AOR
Ms. Mushkan, Adv.

Mr. Varun Khanna, Adv.
Mr. Abhishek Singh, AOR

Mr. Rajesh Kumar Chaurasia, AOR
Mr. Sujeet Kumar, Adv.
Ms. Garima Mishra, Adv.
Mr. Onkar Prasad, Adv.
Mr. A.P. Sinha, Adv.

Mr. Jagjit Singh Chhabra, AOR
Mr. Saksham Maheshwari, Adv.

For Respondent(s) Mr. Satya Mitra Garg, AOR

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

In terms of the signed order, M.A. No.75 of 2017 and
M.A.No.649 of 2017 are disposed of.

Pending applications, if any, shall also stand disposed of.

(MAHABIR SINGH)
COURT MASTER

(NISHA TRIPATHI)
BRANCH OFFICER

(Signed order is placed on the file)