

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

Petition for Special Leave to Appeal (C) No. 4931/2020

(Arising out of impugned final judgment and order dated 25-10-2019 in RFA No. 466/2012 (PAR) passed by the High Court of Karnataka at Bengaluru)

SHAMEEM TAJ

Petitioner(s)

VERSUS

AFSAR PASHA & ORS.

Respondent(s)

(IA No. 33614/2020 - EXEMPTION FROM FILING O.T.)

Date : 22-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Sibbo Sankar Mishra, AOR
Mr. Umakant Misra Adv
Debabarta Dash Adv
Niranjan Sahu adv
Rajesh kumar Nayak Adv

For Respondent(s) Mr. Hussain Mullh Farooq, Adv.
Mohd. Kamran Khan, Adv.
Mr. Dharmandra Tyagi, Adv.
Mr. Osman Harun Hussain, Adv.
Mr. Ankur Verma, Adv.
Mr. Vikas Sinha, Adv.
Ms. Manju Jetley, AOR

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

We have heard learned counsel appearing on behalf of the respective parties. We have also gone through the impugned judgment and decree passed by the Trial Court as well as the impugned judgment and order passed by the High Court.

At the outset, it is required to be noted that there are concurrent findings of fact recorded by both the courts below

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declaring that the original plaintiff is having one-sixth share in the property. The plaintiffs are held to be the children of defendant no.1. There are concurrent findings of fact recorded by both the courts below to the effect that the execution of Hiba (Gift Deed) has not been proved and there are concurrent findings of fact that defendant no.1 was not having any actual right to execute the Gift Deed. Such findings of fact are on appreciation of evidence on record, which are not required to be interfered with by this Court in exercise of powers under Article 136 of the Constitution of India. Hence, the Special Leave Petition stands dismissed.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR