

ITEM NO.45

COURT NO.7

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s).29848-29849/2017

(Arising out of impugned final judgment and order dated 21-07-2016 in SA No. 101/2016 01-03-2017 in CMRA No. 271572/2016 passed by the High Court Of Judicature At Allahabad)

UDAI BHAN SHARMA

Petitioner(s)

VERSUS

ABHA SHARMA & ANR.

Respondent(s)

Date : 13-08-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Yatindra Singh, Sr. Adv.
Mr. Praveen Jain, AOR
Mr. Prashant Kumar, Adv.

For Respondent(s) Mr. Jitender Mohan Sharma, Sr. Adv.
Mr. Ajit sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Rakesh K. Sharma, AOR
Mr. Pranshu Kaushal, Adv.

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

Leave granted.

Heard counsel for the parties.

We are of the considered opinion that since one out of the two Wills is common in two separate suits between the parties, it is appropriate that all proceedings are heard together by this Court as over-lapping issues will arise for consideration in both the suits.

Accordingly, we order that First Appeal No.440 of 2014 pending before the High Court of Judicature at Allahabad, principal seat and appeal pending before the District Court, Meerut bearing Civil Appeal No.273 of 2013 shall stand withdrawn to this Court in terms of this order and to be heard along with the present appeals. That would result in giving quietus to the entire controversy between the parties and avoidable conflicting opinions by different forums in respect of the same Will, which is common in both the suits.

The Registry of this Court shall take steps to ensure that the record in respect of First Appeal pending before the High Court and the Civil Appeal pending before the District Court, referred to above, are transferred to this Court not later than one month from today.

We must place our appreciation on record as the parties have no objection to the passing of this order.

Post these appeals and the transferred cases together in the second week of February, 2020 within first five cases.

In the meantime, parties to ensure that the

translated copies of the vernacular record in the respective proceedings is filed within eight weeks.

If the record is received well in time and even the translated copies/paper book(s) are filed, liberty is granted to apply for preponing the date of hearing.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER