

ITEM NO.57

COURT NO.7

SECTION IV-B

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

Petition(s) for Special Leave to Appeal (C) No(s). 18858/2019

(Arising out of impugned final judgment and order dated 30-08-2018 in RSA No. 4955/2018 passed by the High Court Of Punjab & Haryana At Chandigarh)

JITENDER KUMAR & ANR.

Petitioner(s)

VERSUS

JASBIR SINGH & ORS.

Respondent(s)

Date : 21-10-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Venkatesh Rao, AOR
Mr. Rahul Mishra, Adv.
Ms. Avni Sharma, Adv.
Ms. Ananya Khandelwal, adv.

For Respondent(s) Mr. Kulvir Narwal, Adv.
Ms. Priyanjali Singh, AOR

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

Following issues arise in the present matter:

(A) whether in terms of Section 16 of the Hindu Marriage Act, 1955, right of an illegitimate child to succeed to the property of his father will include right to succeed to the ancestral property in the hands of the father.

(B) Whether the father could have willed away his interest in the ancestral property and whether such disposal could be challenged by

an illegitimate child.

According to the learned counsel appearing for the parties, the first issue stands referred to a Bench of three Judges in pursuance of order dated 31.3.2011 [Revanasiddappa and Anr. vs. Mallikarjun And Ors. Reported in (2011) 11 SCC 1]

In the circumstances, we grant special leave to appeal in the matter and direct that this appeal be listed for hearing after disposal of C.A. No.2844 of 2011, in which the order of Reference as referred to above was passed.

The parties shall maintain status quo in the meantime.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER