

ITEM NO.101

COURT NO.2

SECTION IV-A

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

Civil Appeal No(s). 886-887/2016

SHARANABASAPPA

Appellant(s)

VERSUS

NAGENDRA . &amp; ORS.

Respondent(s)

IA NOS. 3-4, FOR DIRECTION

IA No. 84949/2019 - EARLY HEARING APPLICATION

IA No. 5-6/2016 - EXEMPTION FROM FILING O.T.

IA No. 7-8/2016 - EXEMPTION FROM FILING O.T.

IA No. 9-10/2017 - RECALLING THE COURTS ORDER DATED 01.02.2016)

WITH

SLP(C) No. 22517/2011 (IV-A)

IA No. 5/2016 - EXEMPTION FROM FILING O.T.

IA No. 4/2016 - PERMISSION TO FILE ANNEXURES)

IA NO. 3-FOR PRODUCING ADDITIONAL DOCUMENTS)

Date : 09-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ABHAY S. OKA

For Appellant(s)/

Petitioner(s)/

Respondent(s)

Ms. Bina Madhawan, Adv.

Ms.Rao Vishwaja, Adv.

Mr. Katubadi Ismial, Adv.

For M/S. Lawyer S Knit &amp; Co, AOR

Mr. Basava Prabhu Patil, Sr. Adv.

Mr. Preetam Shah, Adv.

Mr. Geeta Verma, Adv.

Mr. K. Krishna Kumar, AOR

For Respondent(s)

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

Applications for exemption from filing  
O.T., permission to file annexures, producing

additional documents in these matters are allowed.

Application for early hearing is disposed of.

On hearing learned learned counsel for parties, on the concurrent findings relating to the factum of the respondents being the children of late Subhash Yelameli, the matter is not required to be considered. The only issue which is required to be examined is the shares stated to have been given in the ancestral property to the Children (Item Nos. 1 to 4 of Schedule I) which is an aspect referred to the larger Bench in the case of *Revanasiddappa & Anr. vs. Mallikarjun & Ors.*, 2011 (11) SCC 1.

The effect of this is that the judgment can be implemented qua all other aspects, except the aforesaid which will have to await the decision of the larger Bench. We are told that some parties/Lrs. have passed away. Lrs. Of those deceased parties be brought on record.

Mr. Basava S. Prabhu Patil, learned counsel states that the legal issue in the aforesaid matter is pending consideration before a larger Bench of three Judges from quite some time, i.e. 11 years and has an impact on many matters. Since there are now different Benches constituted to hear the reference matters, it may be advisable to put a quietus to the issue so that the matters pending in this Court or in

the High Courts can be dealt with and thus the reference in the case of Revanasiddappa & Anr. vs. Mallikarjun & Ors. (supra) is required to be listed at an early date.

The matter be placed before Hon'ble the Chief Justice of India for necessary orders.

The status of properties in Item Nos. 1 to 4 may not be disturbed.

List after the judgment in the case of Revanasiddappa & Anr. vs. Mallikarjun & Ors. is pronounced.

(CHARANJEET KAUR)  
ASTT. REGISTRAR-cum-PS

(POONAM VAID)  
COURT MASTER (NSH)