

HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

C.C.C.A.M.P.No.536 of 1999

in/and

C.C.C.A.No.246 of 1999

JUDGMENT:

This appeal is filed aggrieved by the decree and judgment dated 21.06.1999 in O.S.No.1892 of 1987 on the file of V Senior Civil Judge, City Civil Court, Hyderabad.

When the matter is being heard, Sri S.Balanchand, learned counsel appearing for the respondents stated that the daughters also have a share in view of the amendment of Hindu Succession Act, 2005. He also pointed out that the daughters and the legal heirs of third daughter were added as parties to the appeal although they were not parties in the lower Court. Therefore, it is his contention that the entire succession has to be looked into once again to determine the rights of the daughters in view of the amendment to the Hindu Succession Act, 2005.

Learned counsel for the appellant also agrees that in view of the amendment, rights of the parties have to be re-looked once again.

Learned counsel for the respondents pointed out that C.C.C.A.M.P.No.534 of 2010 (an implead petition by a purchaser) was filed and it was allowed and that therefore, the parties have to be given an opportunity to contest the case.

In view of the submissions made by both the learned counsel, the appeal is disposed of. The matter is remanded to the lower Court to decide on the share of the daughters, if any, within a period of six months from the date of receipt of a copy of this order. It is needless to say, a) the parties are at liberty to let in

evidence, if any and b) the lower Court should not be influenced by anything said in this order. Both the counsel agreed to cooperate for the disposal of the matter in the lower Court.

Learned counsel submits that C.C.C.A.M.P.No.670 of 2005 is filed for receiving additional evidence and those documents have to be adduced as evidence in the lower Court and he seeks permission to take back those documents.

Hence, Registry is directed to return the said documents filed along with C.C.C.A.M.P.No.670 of 2005 to the counsel under proper acknowledgment.

C.C.C.A.M.P.No.536 of 2010 is allowed. The applicant can amend the plaint by adding the two new businesses of 'Feeling gallery gifts and novelties' and 'Joint family business' run by R.P.Gupta at the addresses mentioned. Deletion of item No.2 is not ordered. The defendants can file a written statement if they desire about these two new businesses that are added. Parties can also introduce any evidence if they desire about these two businesses that are added.

The Miscellaneous Petitions, if any, pending shall stand closed.

D.V.S.S.SOMAYAJULU, J

Date : 23.01.2018
ssp