

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA NO.283 OF 2009

Khageswar Dwibedy

....

Appellant

Mr.S.K. Mishra, Advocate

-versus-

Smt. Shantilata Pati & Another

....

Respondents

Mr.B.H. Mohanty, Advocate

CORAM:

MR. JUSTICE D.DASH

ORDER

10.03.2022

Order No.

10. 1. This matter is taken up by Hybrid Arrangement (Virtual/ Physical) mode.
2. This Appeal being of the year 2009 is lying on Board without being admitted.
3. Mr.S.K.Mishra, learned counsel for the Appellant and Mr.D.P.Mohanty, learned counsel for the Respondents are present.
- It is submitted at the Bar that the preliminary decree, which has been called in question the present Appeal, has been made final and that being sealed and signed, the parties have altered their position accordingly.
4. Keeping in view the above, on going through the judgments passed by the Courts below, this Court finds that the main substantial question of law as projected at (A) of the Memorandum of Appeal as to the applicability of the provisions of Hindu Succession (Amendment) Act, 2005 to the advantage of Respondent No.1 finds its answer in the recent judgment passed by the large Bench of the Hon'ble Apex Court in the case of Vineeta Sharma –V- Rakesh Sharma; (2020) 9 SCC 1 constituted

for the purpose. As per the said decision, which has come to be pronounced after filing of this second Appeal, the answer to the said substantial question of law runs in favour of Respondent No.1 which would lead to confirm the judgments and decrees passed by the Courts below.

5. For the aforesaid, this court is of the view that no substantial question of law surfaces in this case meriting admission of this Appeal. Accordingly, the Appeal stands dismissed without cost.



**(D. Dash),
Judge.**

Basu