

IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA NO.258 OF 2009

Sri Kartikeswara Dwibedy

....

Appellant

Ms.S. Mohanty, Advocate

-versus-

Smt. Shantilata Pati & Another

....

Respondents

Mr.B.H. Mohanty, Advocate

CORAM:

MR. JUSTICE D.DASH

ORDER

10.03.2022

Order No.

03. 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. Ms.S.Mohanty, learned counsel for the Appellant and Mr.D.P.Mohanty, learned counsel for the Respondents are presents.

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 questions of law have been projected at 2(iv) and (v) of the Memorandum of Appeal. The first one is as to the applicability of the amended provisions of Section 6 as have been introduced by Hindu Succession (Amendment) Act, 2005 to the advantage of Respondent No.1. This has already been answered by the Hon'ble Apex Court in the case of Vineeta Sharma –V-

Rakesh Sharma; (2020) 9 SCC 1 and the other substantial question of law 2(v) as to the effect of the omission of the provision of section 23 of the Hindu Succession Act by the Hindu Succession (Amendment) Act, 2005. The answer comes in the decision of mine in the case of Maheswar Amat –V- Ujala Amat, ARI 2016 Orissa 148. As per the said decision, the answers to the said substantial questions of law would stand in favour of Respondent No.1 which would be running for confirmation of the judgments and decrees passed by the Courts below as have been passed.

5. For the aforesaid, this court is of the view that no substantial questions of law surface meriting admission of this Appeal. Accordingly, the Appeal stands dismissed without cost.

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