
Nirmala Devi Vs Arun Kumar Gupta and Others

Civil Appeal No. 649 of 2000 (Arising out of S.L.P. (C) No. 8566 of 1999)

Court: Supreme Court of India

Date of Decision: Jan. 28, 2000

Citation: (2000) 4 JT 229 : (2005) 12 SCC 505

Hon'ble Judges: S.B. Majmudar, J; N. Santosh Hegde, J; D.P. Mohapatra, J

Bench: Full Bench

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. Leave granted.

2. We have heard learned senior counsel for the Appellant as well as learned senior counsel for Respondent No. 1. Rest of the Respondents

though served, have not thought it fit to appear and contest the proceedings.

3. A limited notice was issued by this Court at SLP stage under our order dated 19.7.1999 which is as under:

Notice to issue limited to the following two aspects:

1. to explore the possibility of amicable settlement, if possible; and

2. in any case to consider whether the probate proceedings can be clubbed with the Civil Suit and can be disposed of by the District Court itself.

4. It has been brought to our notice that settlement is not possible at this stage. Therefore, now remains the question whether the probate

proceedings could be clubbed with the suit. Learned Counsel for Respondent No. 1 submitted that the civil suit is of the year 1987 and that

despite various orders of the High Court, it has remained pending and the probate proceedings are initiated by the Appellant in 1997 regarding the

Will of 1984. Be that as it may, the decision in the probate proceedings on the question of proof of the Will, will have a direct impact on the suit.

Only on this short ground and without expressing any opinion on the merits of the controversy between the parties, we request learned District

Judge, Gopalganj to make it convenient to dispose of the Probate proceedings being Probate Case No. 11 of 1997 along with civil suit being T.S.

No. 27 of 1987 filed by Respondent No. 1 at his earliest convenience and preferably within a period of six months from the date of receipt of a

copy of this order at its end. The aforesaid T.S. 27 of 1987 pending in the court of 8th Sub-Judge, Gopalganj shall therefore, stand transferred to

the Court of District Judge, Gopalganj and be clubbed with the Probate Case No. 11 of 1997 which is pending in the Court of District Judge,

Gopalganj for being tried together. The appeal is accordingly disposed of. No costs.