

Chattar Singh and Others

Vs

Thakur Prasad Singh

Civil Appeal No. 57 of 1968

(V. R. Krishna Iyer, R. S. Sarkaria, A. C. Gupta JJ)

21.02.1975

JUDGMENT

KRISHNA IYER, J.-

1. The appeal relates to a suit and later stage thereof certain remedies were sought under the U. P. Consolidation of Holdings Act, 1953 as amended by U. P. Act 21 of 1966. During the pendency of the appeal in this Court, a notification has been issued under Section 4 of the Act. By virtue of the operation of Section 5(2)(a) of the said Act, there is a statutory abatement of the suit and other proceedings pending therefrom. This Court has in Ram Adhar Singh v. Ramroop Singh ((1968) 2 SCR 95 : AIR 1968 SC 714) held that even appeals pending before this Court will abate consequent on the above statutory provision. The appellants have moved in C.M.P. No. 19 of 1975 for passing an order of Holdings Act. Counsel for the respondent faced with the decision of this Court and the clear statutory provision agrees that the stand taken by the appellants is correct. We therefore hold that the suit and the appeal stand abated. It is open to the parties to work out their rights before the appropriate consolidation authorities. With this direction, the appeal is disposed of as abated. Parties will bear their costs throughout.

</html