

Sheela Devi

Vs

Mohan Sarup and Others

Civil Appeal No. 852 of 1973

(S. Natarajan, V. B. Eradi JJ)

19.02.1987

JUDGMENT

V. BALAKRISHNA ERADI, J. -

After hearing counsel appearing on behalf of the appellant we do not find any error of law in the view taken by the High Court that the plaintiffs are entitled to a declaration to the effect that the sale deed dated May 16, 1955 executed by the first defendant in favour of the second dependent in respect of 19 bighas and 6 Biswas of agricultural land will not affect their reversionary rights and that they shall be entitled to the possession of the land in suit on the death of defendant 1 on payment of the sum of Rs. 6706 to which extent alone legal necessity had been proved. The said view is not in any way inconsistent with the dictum laid down by the Privy Council in Hunoomanpersaud Panday v. Mussumat Babooee Munraj Koonweree (6 Moore's Indian Appeals 393) . The appeal is therefore devoid of merit and it will accordingly stand dismissed. In the circumstances, we direct the parties to bear their respective costs.

</html