

Prem Family Pvt. (Specific) Trust

Vs

Commissioner of Income-Tax.

Ca No...../96, Arising out of SLP (Civil) No. 25112 of 1995. Appeal from the Judgment and Order of the Allahabad High Court Dated August 7, 1995, In Income-Tax Application No. 123 of 1994. The Judgment of the High Court is Reported as CIT V. Prem Family (Pvt.) (Specific) Trust [1996] 217 Itr 546

(B. N. Kirpal, J. S. Verma, JJ)

09.02.1996

JUDGMENT

1 .Leave granted.

We have perused the Tribunal's order. It is clear that no question of law arises out of the Tribunal's order and the only question involved is a pure question of fact regarding the genuineness of the trust. In the facts of the present case, no occasion arose for application of any principle of law at any stage for deciding this question relating to the genuineness of the trust and, therefore, there was no basis to hold that a question of law arises out of the Tribunal's order. The impugned order made by the High Court (see [1996] 217 ITR 546) allowing the Revenue's application under section 256(2) of the Income- tax Act, 1961, has, therefore, to be set aside.

Consequently, the appeal is allowed. The impugned order of the High Court (see [1996] 217 ITR 546) is set aside resulting in dismissal of the Revenue's application under section 256(2) of the Income-tax Act. No costs.