

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 6624 OF 2003

MOHAN MIAN (D) BY LRS.

.....

APPELLANTS

VERSUS

NARENDRA KUMAR SINGH & ANR.

.....

RESPONDENTS

O R D E R

Applications seeking condonation of delay in filing substitution application and the substitution application are allowed.

The High Court has given a positive finding that no substantial question of law arises in the matter. We have also perused the judgment of the High Court and in particular paragraphs 6 and 7 which reveal that the findings recorded by the First Appellate Court and the High Court were on pure questions of fact. The learned counsel for the appellant has however, argued that some of the observations made by the First Appellate Court were on the wrong assumption that the principles of Hindu Law of joint possession would also

govern Muslims with regard to property. We find that the judgment of the High Court in second appeal is also against the appellant but even assuming that some of the observations in the judgment of the First Appellate Court are erroneous, we find no flaw in the judgment of the High Court which is based on the correct exposition of the law.

The appeal is dismissed.

NEW DELHI
MAY 05, 2010.

