

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 6083/2024

R. SAKUNTALA (DEAD) THR. LRS.

APPELLANT(S)

VERSUS

HAJI KHATIJA BEEVI TRUST NAGAPATINAM & ORS.

RESPONDENT(S)

O R D E R

1. The main matter itself has been taken up for hearing today.
2. With respect to the controversy on the case at hand i.e., the retrospective application of the procedural amendment in the Wakf (Amendment) Act, 2013, the law has been quite settled by a decision of this Court in '*Mumtaz Yarud Dowla Wakf Vs. M/s Badam Balakrishna Hotel Pvt. Ltd. & Ors.*', reported in (2023) SCC OnLine SC 1378. Even on merits, we do not find anything in favour of the appellant. In fact, the present appeal itself is not maintainable, as it has been filed in the name of a dead person.
3. Before the High Court, it was contested by the deceased R. Sakuntala who died on 12.04.2021. However, the present appeal has been filed on 08.05.2021 in her own name, as if she was alive. Thereafter, the applications for substitution, for

condonation of delay, and for setting aside abatement have been filed.

4. In such view of the matter, the appeal stands dismissed; and the applications for condonation of delay in filing the application for setting aside the abatement, for setting aside abatement, and for substitution are allowed. The legal representatives of the appellants are duly taken on record.
5. While dismissing the appeal, we take into the consideration the fact that the appellants (legal representatives) have been in possession for quite a long period of time. In such view of the matter, we grant four months from the date of receipt of a copy of this order for the appellants to handover the vacant possession to the respondent, subject to the undertaking that they shall vacate it on or before the date so fixed. Additionally, they shall pay the admitted rent, including the arrears. The undertaking be filed within two weeks.
6. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
1st SEPTEMBER, 2026

ITEM NO.43

COURT NO.4

SECTION XII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 6083/2024

R. SAKUNTALA (DEAD0 THR. LRS.

Appellant(s)

VERSUS

HAJI KHATIJA BEEVI TRUST NAGAPATINAM & ORS.

Respondent(s)

[ONLY IA 133226/2026 IS LISTED UNDER THIS ITEM]

IA No. 133226/2026 - APPROPRIATE ORDERS/DIRECTIONS

[IA NO.251639/2026 - FOR SUBSTITUTION OF LRS OF DECEASED APPELLANT,

IA NO.251640/2026 - FOR SETTING ASIDE THE ABATEMENT, IA

NO.251641/2026 - FOR CONDONATION OF DELAY IN FILING APPLICATION FOR
SETTING ASIDE THE ABATEMENT]

Date : 01-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) : Ms. Atchayalakshmi, Adv.
Mr. P. Soma Sundaram, AOR
Mr. S. Muthukrishnan, Adv.

For Respondent(s) : Mr. R Viduthalai, Sr. Adv.
Mr. Kv Jagdishvaran, Adv.
Ms. G. Indira, AOR
Mr. P Gandepan, Adv.
Ms. Anjali Singh, Adv.
Ms. Yashi Jain, Adv.
Mr. Joseph Manavalan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal stands dismissed; and the applications for
condonation of delay in filing the application for setting aside
the abatement, for setting aside abatement, and for substitution
are allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)

ASTT. REGISTRAR-cum-PS

(POONAM VAID)

ASSISTANT REGISTRAR

(Signed order is placed on the file)