

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

Petition(s) for Special Leave to Appeal (Civil) No.1651/1998

(From the judgement and order dated 07/10/1997 in RSA 2650/96
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BALBIR SINGH

Petitioner (s)

VERSUS

RANDHIR SINGH & ORS.

Respondent (s)

(With Office Report)
WITH

SLP(C)Nos.1495-96/98, 7775/97, 21981/97, 14497-98/97 and
I.A.No.1 IN SLP(c)No. 13159 of 1997

Date : 14/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. Mahabair Singh, Adv.

Mr. BS. Mor, Adv.
Mr. SM. Hooda, Adv.
Mr. MS. Dahiya, Adv.

Mr. DB. Vohra, Adv.
Mr. Roopendra Singh, Adv. for
Mr. KK. Gupta, Adv.

Mr. Neeraj K. Jain, Adv.
Mr. Aditya Kumar Chaudhary, Adv.
Mr. Bharat Singh, Adv.
Mr. US. Prasad, Adv.

Mr. Manoj Swarup, Adv.

For Petitioner/
Respondent (s) Mr. Ajay Siwach, Adv.
Mr. Prem Malhotra, Adv.

For Respondent (s) Mr. Mohan Lal Chhiber, Adv. (NP)

Mr. Rao Ranjit, Adv.

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

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SLP(C)No.1651/98 & SLP(C)No. 7775/97@@
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Leave is granted.
The appeal is allowed.

SLP(C)Nos.1495-96/98,21981/97 & 14497-98/97@@
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In view of the judgment of the Constitution Bench in
Shyam Sunder & Anr. Vs. Ram Kumar & Anr. (JT 2001 (6) SC@@
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94) dated 31.7.2001, issue notice to the respondent to reply
as to why the leave should not be granted and the appeal
should not be allowed and the case be remanded to the High
Court for fresh disposal in accordance with law. Notice shall
also state that the matters may be disposed of at the notice
stage itself.

I.A.No.1 in SLP(C)No.13159/1997@@
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Issue notice on I.A. returnable in two weeks. Dasti
in addition is also permitted.

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(S.Thapar) (Kanwal Singh)@@

AA

PS to Registrar Court Master@@

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The signed orders are placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2002@@
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(Arising out of SLP(C)NO.1651 of 1998)

Balbir Singh

Appellant (s)

Versus

Randhir Singh & Ors.

Respondent (s)

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Leave is granted.
None appears for the respondent.

It is represented by the learned counsel for the appellant that in view of the judgment of the Constitution Bench in Shyam Sunder & Anr. Vs. Ram Kumar & Anr. (JT 2001@@
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(6) SC 94) dated 31.7.2001, the appeal has to be allowed and remanded to the High Court for disposal of the Second Appeal afresh. Accordingly, the order under challenge is set aside. The appeal is allowed. The Second Appeal is restored to the file of the High Court. The High Court is requested to decide the case in accordance with law.

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.....J
(Syed Shah Mohammed Quadri)

New Delhi,
January 14, 2002

.....J
(S.N. Variava)

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2002@@
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(Arising out of SLP(C)No.7775 of 1997)

Mohinder Singh & Anr.

Appellant (s)

Versus

Rajeev Deshwal & Ors.

Respondent 9s)

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Leave is granted.
None appears for the respondent.

It is represented by the learned counsel for the appellant that in view of the judgment of the Constitution Bench in Shyam Sunder & Anr. Vs. Ram Kumar & Anr. (JT 2001@@
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(6) SC 94) dated 31.7.2001, the appeal has to be allowed and remanded to the High Court for disposal of the Second Appeal afresh. Accordingly, the order under challenge is set aside. The appeal is allowed. The Second Appeal is restored to the file of the High Court. The High Court is requested to decide the case in accordance with law.

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.SP1

.....J
(Syed Shah Mohammed Quadri)

New Delhi,
January 14, 2002

.....J
(S.N. Variava)