

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9930 OF 2017

(Arising out of the S.L.P.(Civil) No.25101 of 2012)

NAND KISHORE .. APPELLANT(S)

Versus

BHANSWARSINGH(D) THR. HIS LRS. & .. RESPONDENT(S)
ORS.

O R D E R

Leave granted.

The judgment impugned in this case dated 5th March 2011 is a judgment by which the judgment of the First Appellate Court has been set aside on a pure re-appreciation of fact, and reasonably cryptically. We also notice that at page 3, while narrating the judgments of the Trial Court and the First Appellate Court, the learned Judge has gone completely wrong in his assessment of what was decided by each Court.

We feel, therefore, that this is a fit case to set aside the impugned judgment and remand the matter for a *denovo* hearing.

Accordingly, the judgment is set aside. The appeal is allowed.

Since the matter is an old matter, we request that a Judge be assigned to hear the matter expeditiously.

.....J.
[ROHINTON FALI NARIMAN]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI,
JULY 28, 2017.

ITEM NO.7

COURT NO.12

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 25101/2012

(Arising out of impugned final judgment and order dated 05-03-2011
in SA No. 51/1993 passed by the High Court of M.P at Indore)

NAND KISHORE

Petitioner(s)

VERSUS

BHANSWARSINGH(D) THR.HIS LRS. & ORS.

Respondent(s)

Date : 28-07-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Shibashish Misra, AOR

For Respondent(s)

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

Leave granted.

The appeal is allowed in terms of the signed order.

(USHA RANI BHARDWAJ)
AR CUM PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

Signed order is placed on the file.

