

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 7122/2008

GYARSILAL (DEAD) THROUGH L.RS & ANR.

APPELLANT(S)

VERSUS

MAL SINGH (DEAD) THR. L.RS. & ORS.

RESPONDENT(S)

O R D E R

1. After hearing learned counsel for the parties, we are of the opinion that the High Court itself has not addressed the various issues involved in the matter. The Trial Court decreed the suit. The First Appellate Court has set aside the judgment and decree passed by the Trial Court. It was necessary for the High Court to consider the various questions which arises for consideration, particularly when the land was claimed by the Zamindar, whether he could have claimed only Khudkasht land as defined in Rajasthan Tenancy Act or some other land also or it was the private property as claimed by the erstwhile Zamindar. All these questions should have been gone into and considered by the High Court.

2. Thus, we set aside the impugned judgment. Let the High Court consider the appeal afresh after hearing the parties, in accordance with law.

3. The appeal is, accordingly, allowed.

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

.....J.  
[ARUN MISHRA]

.....J.  
[NAVIN SINHA]

NEW DELHI;  
FEBRUARY 06, 2019.

ITEM NO.106

COURT NO.5

SECTION XV

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

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RESPONDENT(S)

Date : 06-02-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Ms. Ankita Gupta, Adv.  
Mr. Abhinav Gupta, Adv.  
Ms. Pratibha Jain, AOR

For Respondent(s) Mr. Mahabir Singh, Sr. Adv.  
Mr. Gagan Deep Sharma, Adv.  
Ms. Preeti Singh, Adv.  
Ms. Swati Jindal, Adv.  
Ms. Reena Singh, Adv.  
Mr. Shivam Jaiswal, Adv.  
Ms. Preeti Singh, AOR

Mr. Balaji Srinivasan, AOR

Mr. Mithilesh Kumar Singh, AOR

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

The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)  
COURT MASTER

(JAGDISH CHANDER)  
COURT MASTER

(Signed order is placed on the file)