

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). 7191 OF 2000

GURDEV SINGH & ORS

Appellant (s)

VERSUS

KARTAR SINGH & ORS

Respondent(s)

(With office report)

Date: 24/01/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Appellant(s)

Mr. Anant Vijay Palli, Adv.

Mrs. Rekha Palli, Adv.

Mr. Shubra Singh, Adv.

Mrs.Rekha Palli,Adv.

For Respondent(s)

Mr. Ujjal Singh, Adv.

Mr. J.P. Singh, Adv.

Mr. R.C. Kaushik,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of. No order as to costs.

[Charanjeet Kaur]

Court Master

[Vinod Kulvi]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7191 OF 2000

Gurdev Singh & Ors.

.. Appellant(s)

Versus

Kartar Singh & Ors.

.. Respondent(s)

O R D E R

After we have heard learned counsel for the appellants, learned counsel for the contesting respondents stated that it is a fit case in which the High Court may be requested to decide the controversy raised by the appellants herein on merits. It is not disputed that the High Court has not dealt with the questions raised before it by the parties on merits and disposed of the petition only on the ground that the appellants herein have approached revisional authority after 33/34 years and the revisional authority has committed an error of law in entertaining such revision petition. In the opinion of the High Court, revisional powers must be exercised within a reasonable period. For the said purpose, the High Court

placed reliance on a decision of this Court in Gram Panchayat

Kakran vs. Additional Director of Consolidation and Anr. - 1997 (8)

SCC 484.

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Learned counsel for the appellants stated that no doubt revisional powers should be exercised within reasonable time. Considering the facts and circumstances in the light of the counter affidavit filed in the High Court, delay has been properly explained and the revisional authority was perfectly justified in granting the benefit. The High Court unfortunately has not dealt with the submissions made and circumstances mentioned in the counter affidavit.

On our part, we wish to express no opinion on that aspect since the question has not been considered on merits by the High Court. Keeping in view the counter affidavit filed on behalf of the contenting respondents (appellants herein), it would be appropriate if the High Court decides the matter on merits.

Accordingly, order dated October 8, 1988 passed by the High Court is set aside. Let the High Court decide the matter on

merits. Since the matter is old, the High Court is requested to give priority and dispose it of on merits as expeditiously as

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possible, preferably within a period of six months. The appeal is disposed of. No order as to costs.

.....J

[C.K. THAKKER]

.....J

[LOKESHWAR SINGH PANTA]

NEW DELHI,

JANUARY 24, 2007.