

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).1847/2005

(From the judgement and order dated 29/10/2004 in RSA No. 469/1980 of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAM KISHAN

Petitioner(s)

VERSUS

LALI @ KRISHANA(D) THR. LRS.

Respondent(s)

(With appln(s) for directions and prayer for interim relief and office report)

Date: 26/09/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. Rajiv Dutta, Sr.Adv.
Mr. M.F. Humayunisa,Adv.
Mr. Kumar Dushyant Singh,Adv.
Mr. R. Nedumaran,Adv.

For Respondent(s) Dr. Meera Agarwal,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

For the reasons mentioned in the signed order, the impugned judgment is set aside and the appeal is allowed.

However, in the facts and circumstances of this case, there shall be no order as to costs.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5877 OF 2008
[Arising out of SLP(C) No.1847/2005]

RAM KISHAN

... APPELLANT(S)

:VERSUS:

LALI ALIAS KRISHANA

... RESPONDENT(S)

ORDER

Leave granted.

The primary question involved in the suit filed by the respondent herein was as to whether she was the daughter of Molhar. That was the first issue framed by the learned Trial Judge.

Indisputably, the said issue was determined in favour of the appellant and against the respondent by both the learned Trial Judge and the First Appellate Court.

The High Court framed the following question to be the substantial question of law involved in the second appeal preferred by the respondent herein:

"Whether it has been proved from evidence that the appellant is the daughter of Molhar?
.2.

By reason of the impugned judgment, the High Court has entered into evidence adduced on behalf of the parties and reversed the findings of fact arrived at by the Courts below. It was, in our opinion, impermissible, as ex-facie the question formulated by the High Court at the time of the admission of the appeal was not a substantial question of law.

For the reasons aforementioned, the impugned judgment cannot be sustained and it is set aside accordingly. The appeal is allowed.

However, in the facts and circumstances of this case, there shall be no order as to costs.

.....J
(S.B. SINHA)

.....J
(CYRIAC JOSEPH)

NEW DELHI,
SEPTEMBER 26, 2008.