

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 6960-6961 OF 2003

MULAKH RAJ SAPRA

Appellant (s)

VERSUS

STATE OF HARYANA & ANR.
(With office report)

Respondent(s)

WITH Civil Appeal NO. 5301 of 2004
Civil Appeal NO. 561 of 2005
Civil Appeal NO. 6266 of 2004
Civil Appeal NO. 6955 of 2003
Civil Appeal NO. 6958 of 2003
Civil Appeal NO. 6959 of 2003
Civil Appeal NO. 6962 of 2003
Civil Appeal NO. 6963 of 2003
Civil Appeal NO. 6964 of 2003
Civil Appeal NO. 6965 of 2003
Civil Appeal NO. 6966 of 2003
Civil Appeal NO. 6967 of 2003
Civil Appeal NO. 6968-6974 of 2003
Civil Appeal NO. 6975-6976 of 2003
Civil Appeal NO. 7032 of 2003
(With office report)

Date: 16/07/2008 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Manoj Swarup, Adv.
Mr. Subhash Gupta, Adv.
Mr. M.S. Shoeb Alam, Adv.
Mr. S.K. Sardana, Adv.
Mr. Shantanu Krishnan, Adv.
Mr. Rohit Sohgaora, Adv.

Mr. S.K. Dhingra, Adv.

Mr. Prem Malhotra, Adv.

Mr. Anil Nag, Adv.

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Mr. Ajay Jain, Adv.
Ms. Abha R. Sharma, Adv.

Mr. A.P. Jain, Adv.
Mr. Aklank Jain, Adv.
Mr. Anurag Jain, Adv.
Ms. N. Annapoorani, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Adv.
Mr. Sandeep Chaturvedi, Adv.
Mr. Umang Chaturvedi, Adv.
Mr. Ugra Shankar Prasad, Adv.

Mr. Manjit Singh, Adv.

Mr.T.V.George,Adv.

Mr. Surya Kant ,Adv

UPON hearing counsel the Court made the following
ORDER

The Appeals are disposed of in terms of the signed order.

There will be no order as to costs.

(Ganga Thakur)
P.S. to Registrar

(Radha R. Bhatia)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6960-6961 OF 2003

MULAKH RAJ SAPRA

...APPELLANT (S)

VERSUS

STATE OF HARYANA & ANR.

RESPONDENT(S)

...

WITH

CIVIL APPEAL NO. 5301 OF 2004
CIVIL APPEAL NO. 561 OF 2005
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CIVIL APPEAL NO. 6968-6974 OF 2003
CIVIL APPEAL NO. 6975-6976 OF 2003
CIVIL APPEAL NO. 7032 OF 2003

ORDER

All these appeals were taken up for final disposal together as all of them arise out of a common judgment of the Punjab and Haryana High Court dated 17th September, 2001 in LPA No. 110/89.

During the course of hearing, we were informed by Mr. Dwivedi, learned senior counsel appearing for the appellants in one of the appeals, that at the relevant point of time since Letters Patent Appeals were being admitted against orders passed in Regular First Appeals, the decision in certain

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Appeals have been included in this Appeal. Since then, however, the jurisdiction relating to entertaining Letters Patent Appeals has been curtailed and only Regular First Appeals are being heard by the High Court in these matters. We are, therefore, faced with a situation where the decision in both LPAs and RFAs are being considered in these appeals.

During the course of the hearing, it was pointed out by Mr. Dwivedi that on 15th July, 2004, an application had been filed on behalf of the respondent, State of Haryana under Order 41, Rule 22 of the Code of Civil Procedure seeking permission to place on record additional evidence. As it appears from the said order, the said application was allowed and the Reference Court was directed to permit both the parties to lead evidence in relation to the sale deed dated 14th April, 2008. The Reference Court also directed, after recording the evidence, to forward the same to this Court and these group of appeals were directed to be heard after receiving the evidence from the Reference Court.

The additional evidence adduced on behalf of the parties in terms of the aforesaid order, has been duly forwarded by the Additional District and Sessions Judge, Hissar, which form part of this record. In view of the fresh evidence on record, we think it appropriate that the High Court should reconsider the matter on the basis of evidence already on record as well as the fresh evidence recorded. We accordingly set aside the order of the High Court and remand these appeals to the High Court for fresh

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decision on the basis of the evidence already on record as also fresh evidence. We make it clear that in the meantime since the jurisdiction of the High Court to hear Letters Patent Appeals in these matter is no longer available, the pending LPAs as well as Regular First Appeals are to be heard together by the Division Bench which will thereafter be required to take a fresh decision in the matter.

As these matters are pending for quite some time, we request the High

Court to dispose of these appeals as early as possible. We make it clear that we have not expressed any opinion on the facts involved in these appeals apart from what has been stated hereinabove.

It has been submitted by Mr. Dwivedi that as far as the two appeals filed by him are concerned, the same relate to a different set of facts as against those involved in other appeals. If such a submission is correct, the High Court may segregate the appeals filed by Dr. Sapra as well as by the State of Haryana and deal with them separately.

The appeals are disposed of accordingly.

There will be no order as to costs.

.....J.
[ALTAMAS KABIR]

New Delhi,J
July 16, 2008 [MARKANDEY KATJU]