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SLP(C)No. 3454 OF 2001

ITEM No.49

Court No. 2

SECTION IVB
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.3454/2001

(From the judgement and order dated 19/07/2000 in RSA 281/86
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJINDER SINGH & ORS.

Petitioner (s)

VERSUS

CHAH I & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for permission to submit additional document(s),
substitution of L.Rs. of the deceased Respondent and c/delay in
filing substitution application)

Date : 24/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. Manoj Swarup,Adv.

For Respondent (s) Mr. S.K. Verma,Adv.

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

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I.A. Nos.3 to 5 of 2001 are allowed.

Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(V.P. Tyagi)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 6695 of 2001@@

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(Arising out of S.L.P. (C) No.3454 of 2001)

Rajinder Singh & Ors. ...Appellant (s)

Versus~

Chahi & Ors.Respondent (s)

O R D E R@@

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Leave granted.

The order under challenge was passed on a second appeal. No question of law was framed. Evidence was gone into. The second appeal was allowed. Plainly, the court went beyond its power in a second appeal. It is, therefore, fairly, not disputed that the order under challenge must be set aside and that the second appeal should be restored to the file of the High Court to be considered afresh within the limitations imposed by the law in respect of a second appeal.

The civil appeal is allowed. The judgment and order under appeal is set aside. The second appeal (No.281 of 1986) and Civil Miscellaneous No.971-C of 1999 are restored to the file of the High Court of Punjab and Haryana to be heard and disposed of afresh with due regard to what we have stated above. This shall be done expeditiously.

No order as to costs.

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.....J.
(S.P. Bharucha)@@
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.....J.
(Y.K. Sabharwal)@@
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New Delhi,
September 24, 2001.