

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). 2182 OF 2004

RAJINDER SINGH & ORS.

Appellant (s)

VERSUS

LUDHIANA IMPROVEMENT TRUST &ORS.

Respondent(s)

(With appln(s) for directions and office report)

WITH Civil Appeal NO. 2183 of 2004

(With office report)

Date: 07/03/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Appellant(s) Mr. Rakesh Diwedi, Sr. Adv.
Mr. Amit Rawal, Adv.
Mr. Shubham Bhalla, Adv.
Mr. Vijai Shekhar Singh, Adv.
Ms. Shalu Sharma, Adv.

For Respondent(s) Mr. Pardeep Gupta, Adv.
Mr. Suresh Bharti, Adv.
Mr. K K Mohan, Adv.
Ms. Geetanjali Mohan, Adv.
Mr. Jatinder Kumar Bhatia ,Adv

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

The appeal is allowed in terms of the
signed order.

(Deepak Joshi)
Sr. P.A.

(Indu Satija)
Court Master

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2182 OF 2004

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.....Respondent (s)

WITH

CIVIL APPEAL NO. 2183 OF 2004

O R D E R

These appeals have been filed against the impugned judgment dated 31.08.2001 passed by the High Court of Punjab & Haryana at Chandigarh in Execution Second Appeal No. 2194 of 1996 and 2193 of 1996.

It appears that the High Court in Second Appeal has not framed any question of law. It has also not taken into consideration whether the appeal was maintainable at all against an order passed in execution proceedings.

Hence, we are of the opinion that this matter needs to be remanded to the High Court for framing questions of law, if any and then decide the matter.

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In the result, we set aside the impugned judgment and remand the matter to the High court with a direction to frame questions of law and then decide the matter afresh expeditiously.

The appeals are allowed.

[MARKANDEY KATJU]
.....J.

[GYAN SUDHA MISRA]
.....J.

NEW DELHI;
MARCH 07, 2011