

\204NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7387 OF 2016

(Arising out of SLP(C)No.8480 of 2013)

BIRU (D) THROUGH LRS. ... APPELLANT(S)

VS.

WATTNI (D) WIDOW OF BHAGTOO & ORS. ... RESPONDENT(S)

JUDGMENT

Anil R.Dave,J.

1. Heard the learned counsel.

2. Leave granted.

3. Our attention has been drawn to the judgment delivered by this Court in the case of Singh Ram (Dead) Through Legal Representatives vs. Sheo Ram and Others reported in (2014) 9 SCC 185. In view of the said fact, in our opinion the matter requires to be reconsidered by the High Court.

4. We remand the matter to the High Court on all issues and the impugned judgment is set aside. After hearing the parties, the High Court shall take a decision afresh in accordance with law.

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5. In view of the above, the civil appeal stands disposed of as allowed with no order as to costs.

6. The parties shall appear before the High Court on 5 th September, 2016 so that the Court can fix the date for final hearing of the Second Appeal. The learned counsel for the parties appearing before the High Court shall extend their cooperation for early disposal of the matter.

.....J.

[ANIL R. DAVE]

.....J.

[L. NAGESWARA RAO]

New Delhi;

August 9, 2016.

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ITEM NO.9

COURT NO.2

SECTION XIV

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 (C) No(s). 8480/2013
(Arising out of impugned final judgment and order dated 16/10/2012 in RSA No. 195/1996 passed by the High Court Of Himachal Pradesh At Shimla)

BIRU (D) TH LRS.

Petitioner(s)

VERSUS

WATTNI (D) WIDOW OF BHAGTOO & ORS.

Respondent(s)

(With interim relief and office report)

Date : 09/08/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Prithu Garg,Adv.

For Mr. Sumit Attri,Adv.

For Respondent(s) Ms. Pragati Neekhara,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard the learned counsel.

Leave granted.

The appeal is disposed of as allowed in terms of the non-reportable judgment.

(Anita Malhotra)

(Sneh Bala Mehra)

Court Master

Assistant Registrar

(Non-reportable judgment is placed on the file.)

