

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3487/2007

(From the judgement and order dated 27/09/2006 in RSA No. 1437/1997 of the HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KARNAIL SINGH
VERSUS

Petitioner(s)

SURJIT SINGH & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 03/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. Girish Agnihotri, Sr.Adv.
Mr. Seeraj Bagga, Adv.
Mrs. Sureshta Bagga, Adv.

For Respondent(s) Mr. Davender Mohan Verma, Adv.
Ms. Minakshi Vij, Adv.

UPON hearing counsel the Court made the following
ORDER

The petitioner is aggrieved by a judgment and order dated 27.9.2006 passed by a learned Single Judge of the High Court of Punjab and Haryana in Civil Regular Second Appeal No. 1437 of 1997, which is to the following effect:

"Learned counsel for the respondent No.1 admits that the appellant is owner to the extent of 1/3rd share (viz. 6 Marlas) in the total land measuring 18 Marlas, by virtue of having purchased it vide registered sale deed dated 13.9.1985. He, therefore, states that appeal may be allowed to that extent, by setting aside the finding of the courts below, on the point. Learned counsel for the appellant is satisfied with this statement and states that appeal may be allowed in terms thereof.

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Consequently, the finding of the courts below, on the point, is set aside and the appeal is allowed in terms of the statements of the learned counsel for the parties."

Respondents in their counter affidavit inter alia stated that as the petitioner has claimed only 9 Marlas of land out of 18 Marlas (the suit land), he is not affected by the impugned judgment. Our attention has also been drawn to the fact that the first respondent herein has purchased 6 Marlas of land by a registered Deed of Sale dated 13.9.1985. Learned counsel appearing on behalf of the petitioner submits that there is nothing on record to show that the application for adduction of additional evidence for proving the aforementioned Deed of Sale dated 13.9.1985 was allowed, or for that matter, the said deed of sale was taken on record as an exhibit or otherwise. It was furthermore submitted that out of the remaining 9 Marlas of land,

respondent Nos.2, 3 & 4 are also claiming their own respective shares.

It does not appear that respondent Nos. 2, 3 & 4 have appeared before the High Court. They are not aggrieved by the judgment of the High Court and it may be on that premise the counsel appearing on behalf of the petitioner (respondent No.1 before the High Court) accepted that the first respondent herein would be entitled to 6 Marlas of land in terms of the Deed of Sale executed by Gurdev Singh in his favour.

In view of the statement made in the counter affidavit that by reason of the impugned judgment the share of the petitioner is not affected at all and furthermore in view of the fact that respondent Nos. 2, 3 & 4 have accepted the judgment of the High Court and the share of the plaintiff-petitioner in the suit property to the extent of 9 Marlas is

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accepted by respondent No.1, we are of the opinion that it is not necessary to interfere with the impugned judgment. The special leave petition is dismissed.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER