

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). 3612-3613 OF 2003

SIKANDER LAL KOHLI

Appellant (s)

VERSUS

P.S. KHAMBATA (DEAD) BY LRS. & ORS.

Respondent(s)

Date: 28/07/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Ms.Lalita Johli, Adv.for
M/S Manoj Swarup & Co.

For Respondent(s) Mr. Arun K. Sinha,Adv.

Mr. Ambhoj Kumar Sinha ,Adv(Not present)

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

The Appeals are allowed in terms of the signed order.
No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.3612-3613 OF 2003

Sikander Lal Kohli ..Appellant

versus

P.S.Khambata (D) By Lrs. & Others ..Respondents

O R D E R

Heard learned counsel for the appearing parties.

These Appeals have been filed against the impugned
judgment and order of the High Court of Delhi dated 24 th
December, 1999.

The facts have been stated in the impugned judgment and hence we are not repeating the same here.

It seems that the appellant was a defendant in the suit. The counsel of defendant had stopped appearing and the defendant had suffered a heart attack and for these reasons, no one appeared in the Court and an ex-parte decree was passed against him.

The application for setting aside an ex-parte decree has been rejected and hence these appeals.

On the facts of the case, we are of the opinion that the ex-parte decree should have been set aside.

Accordingly, we allow these appeals, set aside the impugned order of the High Court of Delhi as also ex-parte decree and remand the matter to the trial Court to pass a fresh order in accordance with law after hearing both the

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parties. No costs.

Since, the disputed amount is about Rs.90,000/- only, which has already been deposited by the appellant, we would request the trial Court to send the matter for mediation to the Delhi High Court Mediation Centre.

.....J.
[MARKANDEY KATJU}

NEW DELHI;
JULY 28, 2010

.....J.
[T.S. THAKUR]