

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

Petition(s) for Special Leave to Appeal (C) No(s). 9427-9429/2011

(Arising out of impugned final judgment and order dated 19/11/2010 in RSA No. 939/1985, impugned judgment and order dated 20/12/2010 in CM No. 14200-C/2010 in RSA No. 939/1985 and impugned judgment and order dated 11/02/2011 in CM No. 1854-C/2011 in RSA No. 939/1985 passed by the High Court Of Punjab & Haryana At Chandigarh)

BHARTHA (D) TH. HIS LRS. & ORS.

Petitioner(s)

VERSUS

SATBIR (D) THR. LRS & ORS.
(With interim relief and office report)

Respondent(s)

Date : 04/08/2014

These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. V.K. Jain, Sr. Adv.
Mr. Sanjay Singh, Adv.
Mr. Umang Shankar ,Adv.
Mr. R. Singh, Adv.
Mr. U.S. Prasad, Adv.

For Respondent(s)

Mr. Ajay Pal ,Adv.
Mr. Vishal Yadav, Adv.
Mr. Rupinder Sheroen, Adv.
Ms. Priya Jhangu, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The Civil Appeals are allowed in terms of the Signed Order.

Signature Not Verified

Digitally signed by
Meenakshi Kohli
Date: 2014.08.07
05:23:08 IST

(MEENAKSHI KOHLI)

(JASWINDER KAUR)

Reason:

COURT MASTER

COURT MASTER

[Signed Order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO.7217-7219 of 2014
(@ SLP (C) Nos. 9427-9429/2011)

BHARTHA (D) TH. HIS LRS. & ORS.

Petitioner(s)

VERSUS

SATBIR (D) THR. LRS & ORS.

Respondent(s)

O R D E R

Leave granted.

The appellant is aggrieved by an order dated 19.11.2010 dismissing the Regular Second Appeal in default for non appearance of counsel.

A restoration application was thereafter filed which was also dismissed by an order dated 20.12.2010. The reason for dismissal of the restoration application is that the earlier advocate who appeared in the matter had ceased to be advocate of the appellant and the new advocate had not actually filed his vakalatnama. Considering the fact that the Second Appeal is of the year 1985, we are of the opinion that the High Court should have considered the matter a little more sympathetically.

Fortunately, learned counsel for the respondents has no objection if the order passed by the High Court is set aside and remanded back to the High Court for fresh hearing.

Accordingly, we set aside the order and remand the matters back to the High Court for fresh hearing.

Considering the fact that the Second Appeal is of 1985, we

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request the High Court to try and expeditiously dispose of these matters preferably within a year.

The Civil Appeals are allowed, in terms of the above.

.....J.
[Madan B. Lokur]

.....J.
[C. Nagappan]

NEW DELHI
AUGUST 4, 2014

