

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

Petition(s) for Special Leave to Appeal (Civil) No.6007/1999

(From the judgement and order dated 16/12/1998 in RSA 65/98
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

JALANDHAR IMPROVEMENT TRUST

Petitioner (s)

VERSUS

RAJESHWAR NATH

Respondent (s)

(With Appln(s). for permission to place on record Exh. P/4
and exemption from filing O.T. and permission to place
annexure(s) and permission to place addl. documents on record)
(With prayer for interim relief)
(With office report)

Date : 13/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. Ajay Majithia, Adv.
Mr. Manu Beri, Adv.
for Mr. Yash Pal Dhingra, Adv.

For Respondent (s) In-person

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

Permission to place additional documents
on record is allowed.

Leave granted.

The appeal is allowed. There shall be no
order as to costs.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6359 OF 2000@@
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(Arising out of SLP@ No. 6007 of 1999)

Jalandhar Improvement Trust .. Appellant

-versus-

Rajeshwar Nath .. Respondent

O R D E R

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.SP2

Leave granted.

This is defendant's appeal. The contention of the appellant is that the plot of land which is directed by the courts below to be allotted to plaintiff respondent has not been acquired by the defendant-appellant and, therefore, the defendant-appellant is unable to allot the said plot of land. This contention was also raised before the High Court, but the same was rejected on the ground that it was raised for the first time before the High Court. Since this question goes to the root of the matter, we set aside the order passed by the courts below and send the case back to the trial court to decide the said question. It will be open to the parties to adduce fresh evidence on this question.

The appeal is allowed. There shall be no order as to costs.

& & & .& & & & & J.
(V.N.Khare)

& & & & & & & ..J.
(N.Santosh Hegde)

New Delhi;
November 13, 2000