

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 659 OF 2007

Pranav Kapur

..Appellant

versus

M/s. Sarvpriya Cooperative House Building  
Society Limited and others

..Respondents

WITH

CIVIL APPEAL NO. 660 OF 2007

CIVIL APPEAL NO. 661 OF 2007

## O R D E R

These appeals are directed against judgment dated 20.2.2006 by which the Division Bench of the Delhi High Court dismissed L.P.A. Nos.89/1997, 112/1997 and 144/1997. The appellants have also questioned correctness of order dated 3.3.2006 vide which Review Petition Nos.103/2006, 104/2006 and 105/2006 filed by them were dismissed by the High Court.

One of the grounds on which the appellants have questioned the impugned judgment and order is that even though the Division Bench heard the arguments only on one issue, i.e., applicability of Rule 25 of the Delhi Cooperative Societies Rules, 1973 (for short, 'the Rules') and the counsel appearing for the appellants was not allowed to address the Court on other issues, the Division Bench considered all the grounds of challenge and dismissed the Letters Patent Appeals on merits.

Another ground taken by the appellants is that the review petitions filed by them were summarily dismissed by the Division Bench of the High Court without even adverting to the contentions raised therein and the grievance made by them that the judgment was pronounced in the Letters Patent Appeals without hearing the arguments on other points taken in the memo of appeals.

Shri Jayant Bhushan, learned senior counsel appearing for the appellant in Civil Appeal No. 661 of 2007 invited the Court's attention to the written arguments filed on behalf of the parties before the High Court as also the review petitions to show that the arguments were heard only on the question of applicability of Rule 25 of the Rules. He also pointed out that after hearing the counsel for the parties, the Division Bench had given an impression that the Letters Patent Appeals deserve to be allowed but the final verdict was otherwise.

Learned counsel for the DDA and learned counsel for the Registrar, Co-operative Societies submitted that in view of the written arguments filed by the parties and contents of the review petitions, they are not in a position to controvert the statement of Shri Jayant Bhushan.

From what we have noted above, it is clear that the Letters Patent Appeals filed by the appellants were dismissed by the Division Bench without giving them opportunity of hearing on issues other than the one relating to applicability of Rule 25 of the Rules. What is most surprising is that the Division Bench of the High Court did not allow the counsel for the appellants to make arguments on all the points, gave an impression that the Letters Patent Appeals will be allowed and yet dismissed the same by suo-motu negating all the grounds of challenge.

In the review petitions filed by them, the appellants had specifically averred that the senior counsel appearing on their behalf was not permitted to make arguments on several important issues and yet the same were decided by the Court. It had also been mentioned that the Division Bench of the High Court felt convinced with the argument made on the issue of non-applicability of Rule 25 of the Rules but the final verdict was contrary to the impression given in the Court.

In our view, the course adopted by the Division Bench in deciding the Letters Patent Appeals is contrary to the basic canons of justice and it is not possible to sustain the impugned judgment and order.

In the result, the appeals are allowed, the impugned judgment and order are set aside and the matters are remitted to the High Court for fresh disposal of the Letters Patent Appeals in accordance with law after giving opportunity of hearing to the parties.

The parties shall be free to make a request to the High Court for early hearing of the matters.

The interim orders passed by this Court shall remain operative till the disposal of the Letters Patent Appeals by the High Court.

.....J.  
[G.S. SINGHVI]

NEW DELHI;  
OCTOBER 24, 2013.

.....J.  
[C. NAGAPPAN]

ITEM NO.109

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

CIVIL APPEAL NO(s). 659 OF 2007

PRANAV KAPUR

Appellant (s)

VERSUS

M/S. SARVPRIYA COOP.H.B.SOCIETY LTD.&ORS

Respondent(s)

WITH

Civil Appeal NO. 660 of 2007

Civil Appeal NO. 661 of 2007

Date: 24/10/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) Mr. Jayant Bhushan, Sr. Adv.

in CA 661/2007

Mr. Rajat Navet, Adv.

Mr. Pradeep Kumar Bakshi, Adv.

In other appeals Mr. Pradeep Kumar Bakshi, Adv.

Mr. Kushagra Pandit, Adv.

Ms. Sanya Talwar, Adv.

For Respondent(s)

Mr. Ashwani Kumar, Adv.

Ms. Rekha Pandey, Adv.

Mr. Dharmendra Kumar Sinha ,Adv

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

The appeals are allowed in terms of the signed order.

(Parveen Kr.Chawla)	(Phoolan Wati Arora)	
Court Master	Court Master	

[signed order is placed on the file]

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