

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1717 OF 2007
(Arising out of SLP(C) No.5366 of 2007)

SANTOSH DEVI

.....APPELLANT(S)

VERSUS

CHANDO DEVI & ORS.

.....RESPONDENT(S)

O R D E R

Counsel for the appellant contends that the High Court has not examined the point as to whether the case for recount on merits was made out or not.

Issue notice.

Leave granted.

Mr.Raj Kumar Gupta, advocate, accepts notice on behalf of respondent No.1 and prays that the impugned order be set aside and the case be remitted back to the High Court for passing a fresh order in accordance with law with a direction to examine as to whether a case for recount on merits was made out or not.

In view of the statement made by the counsel for the

respondent, the impugned order is set aside and the case is remitted back to the High Court for passing a fresh order in accordance with law. The High Court should now examine the order passed by the trial court to find out as to whether a case for recount was made out or not.

Till the matter comes up for hearing, the order passed by the trial court shall remain stayed and thereafter it would be for the High Court to pass an appropriate order on stay application. Since it is an election matter, we request the High Court to take up the matter on priority basis and dispose of the same expeditiously and preferably within a period of four months from the date of its listing.

The appeal is disposed of accordingly.

.....J.
(ASHOK BHAN)

.....J.
(V.S.SIRPURKAR)

NEW DELHI;
APRIL 2, 2007.

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5366/2007

(From the judgement and order dated 20/02/2007 in CWP No. 16548/2006 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SANTOSH DEVI

Petitioner(s)

VERSUS

CHANDO DEVI & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 02/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s)

Mr.Neeraj Kumar Jain, Adv.

Mr.Sandeep Chaturvedi, Adv.

Mr.Sanjay Singh, Adv.

Mr.Vikrant Hooda, Adv.

Mr. Ugra Shankar Prasad, Adv.

For Respondent(s)

For RR-1

Mr.Raj Kumar Gupta, Adv.

Mr. Pranab Kumar Mullick, Adv.

Mr.S.K.Pattnaik, Adv.

UPON hearing counsel the Court made the following

O R D E R

Issue notice.

Leave granted.

Mr.Raj Kumar Gupta, advocate, accepts notice on behalf of respondent No.1.

The appeal is disposed of in terms of the signed order.

4

(Satish K. Yadav)

(Kanwal Singh)

Court Master

Court Master

(Signed order is placed on the file)