

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9233 OF 2019  
(Arising from SLP© No. 10475/2019)

JIYA LAL (DEAD) THR LRS & ORS. APPELLANT(S)

VERSUS

RAJ KUMAR & ORS. RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard counsel for the parties.
3. This appeal takes exception to the judgment and order dated 06.02.2019 passed by the High Court of Punjab & Haryana at Chandigarh in RSA No. 857/1988.
4. For the nature of order we propose to pass, it is not necessary to dilate on the factual matrix of the case except to observe that the second appeal filed by the appellant(s) came to be dismissed despite the application preferred by the appellant(s) under Order 41 Rule 27 of the Code of Civil Procedure for production of certified copy of order dated 07.06.1986 passed by the Guardian Judge, Jind

by way of additional evidence to establish that the respondent(s)/plaintiff(s) had knowledge of date of sale of property as the sale was after taking permission from the Guardian Judge.

5. Counsel for the appellant(s) has also invited our attention to the report accessed through the official website of the High Court which indicates that the stated application is still pending in the High Court.

6. The High Court in the impugned judgment has taken notice of the stated application and the contention urged by the appellant(s) in that regard. However, the High Court has not analyzed the efficacy of the said application or the argument pursued by the appellant(s).

7. As aforesaid, the impugned judgment has dealt with other issues without recording any observation in reference to the plea taken by the appellant(s) that the said document would go to the root of the matter.

8. We also place on record the argument of the counsel for the respondent(s) that the

said document has no relevance to the matter in issue. However, that plea will have to be considered by the High Court in the first place.

9. Without expressing any opinion on the contentions of parties, we set aside the impugned judgment and order and relegate the parties before the High Court for reconsideration of the second appeal afresh on its own merits in accordance with law as expeditiously as possible, preferably within three months as the second appeal pertains to the year 1988.

10. All contentions available to the parties are left open.

11. The appeal and pending applications are accordingly disposed of.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(DINESH MAHESHWARI)

NEW DELHI  
DECEMBER 06, 2019

ITEM NO.36

COURT NO.6

SECTION IV-B

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 (C) No(s). 10475/2019

(Arising out of impugned final judgment and order dated 06-02-2019 in RSA No. 857/1988 passed by the High Court Of Punjab & Haryana At Chandigarh)

JIYA LAL (DEAD) THR LRS &amp; ORS.

Petitioner(s)

VERSUS

RAJ KUMAR &amp; ORS.

Respondent(s)

Date : 06-12-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Rameshwar Singh Malik, Sr. Adv.  
Mr. Jitesh Malik, Adv.  
Ms. Beena, Adv.  
Mr. Harikesh Singh, Adv.  
Mr. Satish Kumar, AOR

For Respondent(s) Mr. S.K. Narwana, Sr. Adv.  
Mr. Siddharth Mittal, Adv.  
Mr. Prbhat Kumar, Adv.  
Mr. Manish Tanwar, Adv.  
Mr. Robin Khokhar, AOR

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

Leave granted.

The appeal and pending applications are  
disposed of in terms of the signed order.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)