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ITEM NO.201

COURT NO.6

SECTION IVB

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).10334/2004

(From the judgement and order dated 03/12/2003 in RSA No.1520/1983 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

KUNDAN SINGH Petitioner(s)

VERSUS

JAGIR SINGH & ORS. Respondent(s)

(With prayer for interim relief and office report)
(For Final Disposal)

WITH SLP(C) NO. 15943 of 2004
(With prayer for interim relief and office report)
(For Final Disposal)

Date: 19/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s) Mr. K.G.Bhagat, Adv.
Mr.Dattatray Vyas, Adv.
MS. Neha Jain, Adv.
Mr. Debasis Misra,Adv.

For Respondent(s) Mr. Vikas Mahajan, Adv.
Mr. Bhaskar Y. Kulkarni,Adv.

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

Leave granted.
The appeals are allowed in terms of the signed order.

(Shashi Sareen)	(Veena Khara)	
Court Master	Court Master	

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 6962 OF 2013
(Arising out of SLP(C) No. 10334 of 2004)

| KUNDAN SINGH | ... | Appellant(s) |

| Versus |

| JAGIR SINGH AND ORS. | ... | Respondent(s) |

with

O R D E R

Leave granted.

The High Court dismissed Regular Second Appeal No. 2759 of 1983 on the basis of a statement made before it to the effect that if RSA No. 1520 of 1983 is allowed, RSA No. 2759 of 1983 will have to be necessarily dismissed. Since RSA No. 1520 of 1983 was eventually allowed by the High Court in terms of its order dated 3.12.2003, RSA No. 2759 of 1983 was dismissed. The High Court observed:

Learned counsel for the appellant while addressing arguments in RSA No. 1520 of 1983, had fairly conceded that if RSA No. 1520 of 1982 is allowed, the present appeal shall necessarily have to be dismissed because the absolute ownership acquired by the plaintiff-respondent shall stand affirmed and established. Since the status of the plaintiff-respondent stands established by virtue of the judgment and decree rendered in RSA No. 1520 of 1983, this appeal deserves to be dismissed accordingly."

By a separate order passed by us today we have set aside the order passed by the High Court in RSA No. 1520 of 983 and remanded the matter back to the High Court for a fresh disposal in accordance with law. That being so, the very basis on which RSA No. 2759 of 1983 was dismissed is knocked out. Resultantly the order passed by the High Court dismissing RSA No. 2759 of 1093 shall also have to set aside and the matter remanded back to the High Court for a fresh disposal.

This appeals are accordingly allowed, the order passed by the High Court set aside and the matter remanded back to the High Court with the request to re-admit RSA No. 2759 of 1983 and dispose of the same afresh in accordance with law. Since both the appeals arise out of litigation that started way back in 1973 we request the High Court to expedite the hearing and disposal of the appeal as far as possible within a period of six months from the date a copy of this order is received. No costs.

.....J.
(T.S.THAKUR)

.....J.
(VIKRAMAJIT SEN)

