

"
ITEM NO.105

Court No.8

SECTION IV

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). 3379 OF 2003

PRITAM KAUR & ORS.

Appellant (s)

VERSUS

SURJIT SINGH & ORS.

Respondent(s)

(With appln(s) for substitution and c/delay in filing substitution appln. and exemption from filing O.T. and deletion of the name of petitioner and substitution of L.Rs of the deceased respondent and c/delay in filing substitution appln. and with office report)

Date: 18/01/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Appellant(s) Mr. Rajiv K. Garg, Adv.
Mr. Ashish Garg, Adv.
Mr. Annam D.N. Rao, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Sanjay Singh, Adv.
Mr. Ugra Shankar Prasad ,Adv

Mrs.Amita Gupta, Adv.

Ms. Abha R. Sharma ,Adv

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

I.A. Nos. 4,5,7,8 and 9 are allowed.

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

| (DEEPAK MANSUKHANI) | (M.S. NEGI) |
| Court Master | Court Master |

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3379 OF 2003

PRITAM KAUR & ORS. Appellant (s)

VERSUS

SURJIT SINGH & ORS. Respondent(s)

O R D E R

I.A. Nos. 4, 5, 7, 8 and 9 are allowed.

This appeal has been preferred against the impugned judgment and decree dated 22nd December, 2000 passed by Punjab and Haryana High Court at Chandigarh in Regular Second Appeal No. 2399 of 1999.

The contested suit and the first appeal ended against the present appellants. However, the High Court while entertaining the second appeal has partly allowed their appeal.

We had been taken through the impugned judgment and order of the High Court and inspite of the fact that the findings recorded by the trial Court as well as the Appellate Court had been reversed on certain issues but what is admitted there is that the High Court did not consider it proper to frame any substantial question of law. Learned counsel for the parties agree that the Second Appeal has not been decided as per the requirement of Section 100 CPC. In such a fact situation, without expressing any opinion on merit, we set aside the judgment and decree passed by the High Court impugned before us and remand the case to the High Court with humble request that, as the matter is very old, it may be decided expeditiously preferably within a period of nine months from the date of production of the copy of this order.

-2-

We direct the Registry to transmit the original record immediately.

The parties may appear before the High Court on 25th Febraury, 2013. The Registry of the High Court is directed to list the matter before the appropriate Bench on this date for apporprate directions.

With these directions, the appeal is disposed of.

.....J.
(DR. B.S. CHAUHAN)

.....J.
(V. GOPALA GOWDA)

NEW DELHI
JANUARY 18, 2013.