

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 3843/2008

PHUNNI & ORS.

APPELLANT(S)

VERSUS

RUCHHA (D) TR. LRS. & ORS.

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. The Assistant Settlement Officer and the Deputy Director (Consolidation), Gorakhpur concurrently held that the property was joint and there was no partition. However, the High Court, without considering the material which was adverted to by the Revenue Courts and the statement made by the respondents reversed the findings of the three Courts. The High Court has not gone into various aspects and reasons employed and has illegally reversed the concurrent findings of the three courts, which were recorded after discussion of the evidence and duly considering the case set up by the respective parties.
3. We have no hesitation, in the circumstances, to set aside the order passed by the High Court and restore that of the Consolidation Authorities.
4. The appeal is, accordingly, allowed.

5. Pending application(s), if any, shall stand disposed of.

.....J.
[ARUN MISHRA]

.....J.
[NAVIN SINHA]

NEW DELHI;
FEBRUARY 06, 2019.

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

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VERSUS

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RESPONDENT(S)

Date : 06-02-2019 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s) Mr. Dinesh Kumar Garg, Adv.
Mr. Hari Om Yaduvanshi, Adv.
Dr. Monika Gusain, AOR

For Respondent(s) Mr. S.R. Singh, Sr. Adv.
Ms. Sunita Pandit, Adv.
Mr. Avnish Singh, Adv.
Mr. Ujjawal Pandey, Adv.
Mr. Ankur Yadav, AOR

Mr. Pankaj Kumar Singh, Adv.
Mr. Makrand Pratap Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. K. L. Janjani, AOR

Mr. Yash Pal Dhingra, AOR

Ms. Namita Choudhary, AOR

Mr. Abhishth Kumar, AOR

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

The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
COURT MASTER

(Signed order is placed on the file)