

C.A.No. 941 OF 2002
ITEM NO.110

COURT NO. 3

SECTION IV

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Civil Appeal No.941 of 2002

Sukhdev Singh Appellant (s)

Versus

State of Punjab & Ors. Respondent (s)

(With appln. for permission to place addl. documents on record and
with prayer for interim relief and Office Report)

Dated:25/08/2004: This appeal was called on for hearing today.

CORAM

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. DK. Bhatti, Adv.
Ms. Meenakshi Bhatti, Adv.
Mr. Murli Manohar Singh, adv.
Mr. Debasis Misra, Adv.

For Respondent (s)Mr. Kuldip Singh, Adv.
Ms. Naresh Bakshi, Adv.

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

The appeal is allowed. Parties to bear their own costs.

(S. Thapar)
PS to Registrar

(V.P. Tyagi)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.941 OF 2002

Sukhdev Singh Appellant (s)

Versus

State of Punjab & Ors. Respondent (s)

O R D E R

The impugned judgment of the High Court deserves to be set aside on the short ground that the judgment of the Ist Appellate Court, confirming that of the trial court, was set aside by the High Court without complying with the provisions of Section 100 of Code of Civil Procedure by framing substantial question of law. In this view, we set aside the impugned judgment and remit Regular Second Appeal No.3681 of 1998 to the High Court for its fresh decision in terms of Section 100 of Code of Civil Procedure by framing substantial question of law, if any. The High Court is requested to expeditiously decide R.S.A. No. 3681 of 1998. The appeal is allowed accordingly leaving the parties to bear their own costs.

The parties through their counsel shall appear before the Registrar General of the High Court of Punjab & Haryana on 27th September, 2004 so as to take instructions for the listing of the appeal.

.....J
(Y.K. SABHARWAL)

New Delhi,.....J
August 25, 2004(D.M. DHARMADHIKARI)