

T  
SLP(C)No. 24554 OF 2003

ITEM No.36

Court No.11

SECTION IVB  
A/N MATTER

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.24554/2003

(From the judgement and order dated 09/09/2003 in CR 2905/2003  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

A.S. GARG

Petitioner (s)

VERSUS

M/S. SWATANTRA LAND & FINANCE PVT. LTD.

Respondent (s)

(With appln(s). for impleading party, permission to place  
addl. documents on record, permission to submit additional  
document(s), directions and prayer for interim relief)

Date : 06/05/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)In-person

For Respondent (s)Mr. Manoj Swarup, Adv.  
Mr. Ajay Gupta, Adv.

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

Leave granted.

The interlocutory applications are disposed of.

The appeal is disposed of.

[ Alka Dudeja ]            [ Kanwal Singh ]  
Court Master                Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3027 OF 2004  
(Arising out of S.L.P. [C] No.24554 of 2003)

A.S. Garg ... Appellant (s)

Versus

M/s. Swatantra Land and Finance Pvt.Ltd. ... Respondent(s)

O R D E R

Leave granted.

Heard the appellant, who is appearing in-person and the learned counsel for the respondent. The trial court refused the prayer for appointment of the local Commissioner. When a revision was preferred before the High Court of Punjab and Haryana, the said order has been upheld. As the impugned order was not revisable one, the High Court should not have made any observation on merits. We may observe that in case any appeal is preferred by any of the parties against the decree which may be passed in the suit, it would be open to the appellant to challenge before the appellate court in that appeal the correctness of the order passed by the trial court, declining the prayer for appointment of the local Commissioner. If such a prayer is made, the appellate court shall consider the same in accordance with law, without being prejudiced by any observation in the impugned order passed by the High Court. The appeal is, accordingly, disposed of.

.....J.  
(B.N. Agrawal)

.....J.  
(Dr. AR. Lakshmanan)

New Delhi,  
May 06, 2004.