

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).26367/2005

(From the judgement and order dated 08/09/2005 in CWP No.4490/2005
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJINDER SINGH

Petitioner(s)

VERSUS

KULWINDER KAUR & ORS.

Respondent(s)

(With prayer for interim relief and office report)

(For Final Disposal)

Date: 03/11/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Bhupender Yadav,Adv.

Mr. S.S. Shamsbery,Adv.

Mr. R.C. Kohli,Adv.

For Respondent(s)

Mr. H.S. Munjral,Adv.

Nos.2-4

Mr. Arun K. Sinha,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appeal is allowed.

[Alka Dudeja]

[Madhu Saxena]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4662 OF 2006

(ARISING OUT OF S.L.P. (C) NO.26367 OF 2005)

Rajinder Singh

...Appellant(s)

Versus

Kulwinder Kaur and Ors.

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

Undisputedly, before passing the order by the Deputy

Collector, Madhopur Division, Gurdaspur, no notice was served upon the appellant. In view of this ground, the said order should have been set aside, but in stead of setting aside the order, the High Court has upheld the same, which is un-warranted.

Accordingly, the appeal is allowed, the impugned orders are set aside and the matter is remanded to the Deputy Collector, Madhopur, Gurdaspur, to decide the matter afresh in accordance with law after giving notice to the appellant.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,

November 03 , 2006.