

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2021
(Arising out of SLP(C)No. 30646 of 2009)

RAJ PAL & ORS.

Appellant(s)

VERSUS

PIRTHI SINGH & ORS.

Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 08.07.2009 passed by the High Court of Punjab & Haryana at Chandigarh in RSA No. 150 of 1996, dismissing the second appeal on the finding that no substantial question of law arises for consideration.

It has been noted in the impugned judgment that the only question raised before the High Court was whether the provisions of The Punjab Village Common Lands (Regulation) Act, 1961 (in short "1961 Act) are applicable to Union Territory of Chandigarh.

The High Court adverted to Section 13 of the 1961 Act dealing with the bar of jurisdiction of civil Courts. On facts, the High Court noted that the amendment made had no application to the Union Territory of Chandigarh, and hence Section 13 is not applicable to the said union territory.

The appellant has relied upon amending Act adopting the

1961 Act for the Union Territory of Chandigarh, w.e.f. 01.11.1966. This adoption order has not been taken note of by the High Court for answering the question in issue.

Accordingly, we set aside the impugned judgment and order passed by the High Court and relegate the parties before the High Court by restoring the Second Appeal to the file of the High Court for being considered afresh.

All contentions available to both sides are left open.

All contentions would mean that the High Court will not confine the issue dealt with on the earlier occasion but also consider all other contentions available to both sides as per law.

The appeal is allowed in the above terms.

The parties may appear before the High Court on 27.08.2021.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(SANJIV KHANNA)

New Delhi;
August 05, 2021.

ITEM NO.11 Court 4 (Video Conferencing) SECTION IV-B

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 (C) No(s). 30646/2009

(Arising out of impugned final judgment and order dated 08-07-2009 in RSA No. 150/1996 passed by the High Court Of Punjab & Haryana At Chandigarh)

RAJ PAL & ORS.

Petitioner(s)

VERSUS

PIRTHI SINGH . & ORS.

Respondent(s)

(IA No.105622/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.105624/2017-EXEMPTION FROM FILING O.T. and IA No.123641/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS, IA No. 48770/2019 and 48803/2019 Applications for impleadment, IA No. 105624/2017 - EXEMPTION FROM FILING O.T., IA No. 48803/2019 - INTERVENTION/IMPLEADMENT, IA No. 48770/2019 - INTERVENTION/IMPLEADMENT, IA No. 123641/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 105622/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 05-08-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Manoj Swarup, Sr. Adv.
 Mr. Mukul kumar, Adv.
 Mr. Ankit Swarup, Adv.
 Mr. Neelmani Pant, Adv.
 Mr. Rohit Kumar Singh, AOR

For Respondent(s) Mr. Mithilesh Kumar Singh, AOR

Mr. A.P. Dhamija, Adv.
Mr. Sarad Kumar Singhanian, AOR
Mr. J.P. Singh, Adv.
Ms. Tanya Sharma, Adv.
Ms. Rashmi Singhanian, Adv.

Mr. Shubham Bhalla, AOR
Mr. Yajur Bhalla, Adv.
Mr. Deepak Samota, Adv.
Mr. Siddharth Sirvastava, Adv.
Mr. Sumeir Ahuja, Adv.

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

The application for impleadment is allowed.

Leave granted.

The appeal is allowed in terms of the signed order.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

Pending applications, if any, stand disposed of.