

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**Civil Appeal Nos 1412-1413 of 2020  
(Arising out of SLP(C Nos 12089-12090 of 2012))**

**Punjab Wakf Board**

**.... Appellant(s)**

**Versus**

**Bachan Singh (D) Through Lrs**

**....Respondent(s)**

**ORDER**

1 Leave granted.

2 These appeals arise from an order of a learned Single Judge of the High Court of Punjab and Haryana dated 7 December 2011. By a judgment dated 3 March 1986, the suit instituted by the first respondent seeking a decree of possession was dismissed by the Trial Court. The first appeal was allowed by the Additional District Judge, Amritsar on 23 December 1987. A regular second appeal filed before the High Court of Punjab and Haryana was admitted on 4 October 1988. The appeal was dismissed in default on 24 September 2010. An application under Order XLI Rule 19 read with Section 151 of the Code of Civil Procedure 1908<sup>1</sup> was filed on 8 April 2011 for the condonation of delay in filing an application for the restoration and for restoration of the appeal. The High Court, by the impugned judgment and order, dismissed the application for condonation of delay and, in consequence, the application for restoration. There was a

1“CPC”

delay of 177 days in filing the application for restoration.

3 Notice was issued on the Special Leave Petition on 23 April 2012. The office report indicates that the legal representatives of the deceased first respondent have been served. The second to eighth respondents have been deleted from the array of parties.

4 Having regard to the explanation which was tendered by the appellant in respect of the delay which was occasioned in moving an application for restoration, we are of the view that sufficient cause was shown. We accordingly allow the appeals and set aside the impugned judgment and order of the High Court dated 7 December 2011. The application for condonation of delay shall stand allowed. As a consequence, the appeal is restored to the file of the High Court. There shall be no order as to costs.

5 We request the High Court to dispose of the appeal expeditiously. Since the legal heirs of the first respondent, though served, have not appeared in the present proceedings, we request the High Court to issue a fresh notice to the legal heirs.

.....J.  
[Dr Dhananjaya Y Chandrachud]

.....J.  
[Indu Malhotra]

**New Delhi;  
February 10, 2020**

ITEM NO.57

COURT NO.8

SECTION IV-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).12089-12090/2012

(Arising out of impugned final judgment and order dated 07-12-2011 in CMP No. 5012/2011 and CMP No. 5013/2011 passed by the High Court of Punjab & Haryana at Chandigarh)

PUNJAB WAKF BOARD

Petitioner(s)

VERSUS

BACHAN SINGH (D) THROUGH LRS.

Respondent(s)

Date : 10-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Imtiaz Ahmed, Adv.  
Mrs. Nagma Imtiaz, Adv.  
Mr. Ahmed Zargham, Adv.  
For M/S. Equity Lex Associates, AOR

For Respondent(s)

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

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER

(Signed order is placed on the file)