

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1287/2020
[@ SLP [C] NO.11533/2019]

VINTA & ORS.

Appellant(s)

VERSUS

RAMESH KUMARI & ORS.

Respondent(s)

O R D E R

Leave granted.

We have endeavoured to peruse the impugned order of the trial Court and the First Appellate Court to see if we can comprehend the judgment of the High Court. What had persuaded us to issue notice on 10.05.2019 was that the concurrent findings of the appellate Court were set aside by the High Court in Second Appeal of which order we were unable to find the rationale or even comprehend.

We are left with no option but to set aside the impugned judgment and remit the matter back to the High Court for re-consideration so that the order can be passed in the language which is comprehensible to us.

The High Court may take note of the fact that this is the Second Appeal of the year 2004 and thus, give priority to it. The matter be placed before Hon'ble the Chief Justice of the High Court to be placed before another Bench other than the one which passed the impugned order.

The appeal is allowed in the aforesaid terms leaving the parties to bear their own costs.

.....J.

[SANJAY KISHAN KAUL]

.....J.

[K.M. JOSEPH]

NEW DELHI;

FEBRUARY 10, 2020.

ITEM NO.38

COURT NO.12

SECTION XIV-A

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).11533/2019

(Arising out of impugned final judgment and order dated 15-13-2019 in RSA No.515/2004 passed by the High Court of Himachal Pradesh at Shimla)

VINTA & ORS.

Appellant(s)

VERSUS

RAMESH KUMARI & ORS.

Respondent(s)

Date : 10-02-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPHFor Appellant(s) Mr. Vinay Kuthiala, Sr. Adv.
Mr. Shaurya Kuthiala, Adv.
Mr. Mayank Pandey, AOR

For Respondent(s) Mr. Varinder Kumar Sharma, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
AR CUM PS(ANITA RANI AHUJA)
COURT MASTER

[Signed order is placed on the file]