

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal Nos.6114-6115 of 2019
(@Special Leave Petition © Nos.14936-14937 of 2018)

MATHURA SINGH (SINCE DECEASED)
THR. L.R.S.

Appellant(s)

VERSUS

GURUMUKH DAS & ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

Learned senior counsel for the appellant(s) has drawn our attention to the order dated 4.07.2018 regarding the limited notice issued to the respondents. The order reads as under :

"Learned senior counsel appearing for the petitioners, on instruction, submits that the petitioners are prepared and the matter can be finally argued and, therefore, it is not necessary to have one more round of exercise under Order IX, Rule 13 CPC.

In view of the above submission, issue notice, returnable on 16.08.2018.

Dasti service, in addition, is permitted.

There will be stay of further proceedings pursuant to the impugned order, till the next date of hearing."

The only submission by learned Senior counsel

is that on the transfer of the matter, it must proceed from the stage it had reached in the previous Court i.e. for arguments.

The aforesaid position cannot be disputed by learned counsel for respondents.

We thus direct that instead of another exercise being undertaken under Order IX, Rule 13 of the Code of Civil Procedure, that application be allowed and the parties be heard on merits, a stage reached before the transferor court.

The concerned authority will endeavour to conclude the proceedings within a maximum period of four months from the date of receipt of this order.

The appeals accordingly stand disposed of.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

NEW DELHI,
AUGUST 6, 2019.

ITEM NO.10

COURT NO.11

SECTION III-A

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) Nos.14936-14937 of 2018

MATHURA SINGH (SINCE DECEASED) THR. L.R.S.

Appellant(s)

VERSUS

GURUMUKH DAS & ORS.

Respondent(s)

(IA No. 55155/2019 - EXEMPTION FROM FILING O.T.

IA No. 36863/2019 - EXEMPTION FROM FILING O.T.

IA No. 55154/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 06-08-2019 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner (s) Mr. Pradeep Kant, Sr. Adv.
Mr. Divyanshu Sahay, Adv.
Mr. Rohit Kumar Singh, AOR
Ms. Shradha Narayan, Adv.
Mr. Dev Raj Singh, Adv.
Mr. Sanjaye Goel, Adv.

For Respondent(s) Mr. Lakshmi Raman Singh, AOR

Mr. Shail Kumar Dwivedi, AOR
Mr. Siddharth Krishna Dwivedi, Adv.
Ms. Vibha Dwivedi, Adv.
Ms. Nidi Dwivedi, Adv.

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

Leave granted.

The appeals stand disposed of in terms of the signed order.

Pending application(s), if any, also stands disposed of

(POOJA ARORA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file)