

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).3953 of 2019  
(Arising out of Special Leave Petition (C)No.9717/2014)

DAULATRAM (D) THR. LRS. .... Appellant(s)

*VERSUS*

TIKARAM & ANR. .... Respondent(s)

O R D E R

Leave granted.

In spite of framing a question of law, the High Court ventured into re-appreciation of evidence which is impermissible under Section 100 of CPC. The judgment of High Court is set aside and remanded back for fresh consideration in accordance with law.

The appeal is accordingly allowed. Pending application(s), if any, stand disposed of.

.....J.  
[L. NAGESWARA RAO]

.....J.  
[M.R. SHAH]

New Delhi;  
15<sup>th</sup> April, 2019.

ITEM NO.40

COURT NO.13

SECTION XI

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).9717/2014

(Arising out of impugned final judgment and order dated 04-04-2013 in SA No. 772/1979 passed by the High Court Of Judicature At Allahabad)

DAULATRAM (D) THR. LRS.

Petitioner(s)

VERSUS

TIKARAM & ANR.

Respondent(s)

Date : 15-04-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. J.C.Gupta, Sr. Adv.  
Mr. Yogesh Tiwari, Adv.  
Mr. Vikrant Singh, Adv.  
Mr. Sanjay K. Agrawal, AOR

For Respondent(s) Mr. Praveen Chaturvedi, AOR  
Mr. Addya Mishra, Adv.

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

Leave granted.

Appeal is allowed in terms of the signed  
order.

(B.Parvathi)  
Court Master

(Kailash Chander)  
Assistant Registrar

(Signed order is placed on the file)