

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos. 2541-2542 OF 2017
(Arising out of SLP(C No. 26146-26147 of 2016

VANEETA KHANNA AND ANR. ... Appellant(s)

Versus

ANUJ CHOPRA AND ORS. ... Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

These matters arise out of a suit for specific performance. There was an earlier round of litigation wherein the suit of the appellants for possession was dismissed. When the matter came up before this Court in the first round on 28.04.2006, this Court observed that since the plaintiff could file an appropriate suit, this Court was not inclined to entertain the special leave petition.

Thereafter the second suit was filed and decreed by the learned Single Judge of the High Court. The appeal of the respondent before the Division Bench of the High Court succeeded inter alia on the ground that the second suit was barred by res judicata.

Learned counsel for the appellant submitted that in view of the order passed in the SLP, the second suit could not be res judicata. This point, though noted, has not been determined by the Division Bench.

Mr. Shyam Divan, learned senior counsel for the respondent submits that the document dated 16.06.2004 was added subsequently in the plaint as it is not mentioned in the certified copy of the plaint. This statement is disputed by learned counsel for the appellant.

We are of the view that on account of the above two issues, the matter needs to be considered afresh by the Division Bench of the High Court.

Accordingly we set-aside the impugned order and remand the matter to the High Court for fresh consideration in accordance with law.

The parties are directed to appear before the Division Bench of the High Court for further proceedings on 20.03.2017.

The order granting status quo vide this Court's order dated 26.09.2016 will continue till the matter is taken up by the High Court.

It will be open to the parties to make any further prayers before the High Court.

We make it clear that we have not expressed any opinion on merits either way and all contentions are kept open.

The appeals are disposed of.

.....J.
(ADARSH KUMAR GOEL)

.....J.
(UDAY UMESH LALIT)

New Delhi,
Dated: 13th February, 2017.

ITEM NO.5

COURT NO.11

SECTION XIV

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).
26146-26147/2016

(Arising out of impugned final judgment and order dated 25/05/2016
in RFA No. 117/2015 25/05/2016 in RFA No. 21/2016 passed by the
High Court Of Delhi At New Delhi)

VANEETA KHANNA AND ANR.

Petitioner(s)

VERSUS

ANUJ CHOPRA AND ORS.

Respondent(s)

(with interim relief and office report)

Date : 13/02/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms.Meenakshi Arora, Sr. Adv.
Mr. Ashim Shridhar, Adv.
Ms. Mahima Gupta, Adv.

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. Abhinav Malhotra, Adv.
Mr. Kartik Nagarkati, Adv.
MS. Samiksha Godiyal, Adv.

Mr.Aseem Mehrotraa, Adv.
Mr. Abhijat P. Medh, Adv.

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

Leave granted.

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

(Shashi Sareen)
AR-cum-PS

(Veena Khara)
Court Master

(Signed order is placed on the file)