

IN THE SUPREME OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 11253 OF 2017
(Arising out of SLP (C) No.28839 of 2015)

GURDARSHAN SINGH ... Appellant

VERSUS

BALWINDER SINGH AND ANR. & ORS. ... Respondent

O R D E R

Leave granted.

Heard Mr. I.P.S. Kohli, learned counsel appearing for the appellant and Mr. Chanchal Kumar Ganguli, learned counsel appearing for the respondent.

The present appeal, by special leave, assails the judgment and decree dated 11.8.2015 passed by the High Court of Punjab and Haryana at Chandigarh in RSA No. 5013 of 2012 whereby the High Court had allowed the appeal.

It is submitted by Mr. Kohli, learned counsel that the High Court has not applied its mind to unsettle the judgment and decree passed by the appellate court, for it has only reproduced certain passages and thereafter framed few substantial questions of law and immediately proceeded to state that the appeal is allowed. Mr. Chanchal Kumar Ganguli, learned counsel appearing for the

respondent submits that the judgment of the High Court reflects reasons.

Having heard learned counsel for the parties, we are of the considered opinion that the impugned judgment is really without any reason and, therefore, we are compelled to set aside the same. Resultantly, the appeal is allowed, the judgment and decree passed by the High Court is set aside and the matter is remitted for fresh disposal by the High Court within four months hence. Needless to say, the High Court shall ascribe adequate reasons while dealing with the substantial questions of law framed by it. We may hasten to add, all the issues that have been raised in the second appeal are kept open, for while remitting, we have not expressed any opinion on the merits of the case. There shall be no order as to costs.

.....,CJI.
(Dipak Misra)

.....,J.
(A.M. Khanwilkar)

.....,J.
(D.Y. Chandrachud)

New Delhi;
September 4, 2017.

ITEM NO.8

COURT NO.1

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). 28839/2015

(Arising out of impugned final judgment and order dated 11-08-2015 in RSA No. 5013/2012 passed by the High Court Of Punjab & Haryana At Chandigarh)

GURDARSHAN SINGH

Petitioner(s)

VERSUS

BALWINDER SINGH AND ANR. & ORS.

Respondent(s)

Date : 04-09-2017 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. I.P.S. Kohli, Adv.
Mr. Dinesh Verma, Adv.
Mr. Subhasish Bhowmick, AOR

For Respondent(s) Mr. Chanchal Kumar Ganguli, AOR

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

Leave granted.

The appeal is allowed, the judgment and decree passed by the High Court is set aside and the matter is remitted for fresh disposal by the High Court within four weeks hence in terms of the signed order. There shall be no order as to costs.

(Gulshan Kumar Arora)
Court Master

(Shakti Prakash Sharma)
Assistant Registrar

(Signed order is placed on the file)