

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 19854 of 2017
(Arising out of SLP(C)No.7780 of 2013)

STATE OF RAJASTHAN

Appellant(s)

VERSUS

UMA SANGHI (D) TR.LRS. & ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties and also perused the record.

We are satisfied that the plaint in the suit of the appellant could not have been rejected under Order VII Rule 11 of the C.P.C. In the plaint, the plaintiff has asserted his title to the property. Thus, irrespective of the stand of the respondents-defendants, the suit had to be tried.

Accordingly, the impugned order is set aside. The suit is restored.

The parties are directed to appear before the trial court for further proceedings on Monday, the 29th January, 2018.

It is made clear that we have not expressed any opinion on the merits of the case.

In view of above, the appeal is disposed of.

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

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

New Delhi,
November 27, 2017.

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). 7780/2013

(Arising out of impugned final judgment and order dated 29-03-2012 in SBCFA No. 374/2004 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

STATE OF RAJASTHAN

Petitioner(s)

VERSUS

UMA SANGHI (D) TR.LRS. & ORS.

Respondent(s)

Date : 27-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE UDAY UMESH LALITFor Petitioner(s) Mr. S.S. Shamsbery, AAG
Mr. Amit Sharma, Adv.
Mr. Sandeep Singh, Adv.
Mr. Ankit Raj, Adv.
Ms. Indira Bhakar, Adv.
Ms. Ruchi Kohli, AORFor Respondent(s) Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Rishabh S., Adv.
Ms. Padma Priya, Adv.
Mr. Dhruv Sharma, Adv.
Mr. T. Mahipal, AOR

Mr. Mrinmay Bhatmewara, Adv.
Mr. Sanjay Kumar Tyagi, AORUPON hearing the counsel the Court made the following
O R D E R

Leave granted.

In terms of the signed order, the appeal is disposed of.

Pending applications, if any, shall also stand disposed
of.(MAHABIR SINGH)
COURT MASTER(PARVEEN KUMARI PASRICHA)
COURT MASTER

(Signed order is placed on the file)