

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1744 OF 2020  
(Arising out of SLP(C) No. 27956 of 2018)

VIDHYA DEVI (DECEASED) THROUGH LRS & ANR. Appellant(s)

VERSUS

KANTICHANDRA (DECEASED) THROUGH LRS & ANR. Respondent(s)

O R D E R

Leave granted.

This appeal takes exception to the judgment and order dated 02.08.2018 passed by the High Court of Madhya Pradesh, Bench at Indore in F.A. No. 307 of 1999 summarily dismissing the First Appeal preferred by the appellants/defendants.

After examining the impugned judgment, the relevant evidence, the finding of trial Court and hearing the parties, in our considered opinion, the High Court being final fact finding Court, ought to have done proper

analysis of the evidence on record in reference to the findings recorded by the trial Court and not summarily dismiss the First Appeal as has been done vide impugned judgment and order.

Accordingly, we set aside the impugned judgment and order and relegate the parties before the High Court for hearing of the First Appeal afresh on its own merits and in accordance with law. All contentions available to both the parties are left open.

We place on record the statement made across the bar by the learned counsel for the respondents/plaintiffs that they have already taken over possession of the suit property. That fact is not disputed by the learned counsel appearing for the appellants/defendants.

Therefore, it would be open to the appellants/defendants to apply for restitution and for other reliefs permissible in law, in the event they succeed in the First Appeal before the High Court.

The parties to appear before the High Court on  
07.04.2020.

The civil appeal is disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....J  
(A.M. KHANWILKAR)

.....J  
(DINESH MAHESHWARI)

New Delhi  
February 20, 2020

ITEM NO.49

COURT NO.7

SECTION IV-A

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). 27956/2018

VIDHYA DEVI (DECEASED) THROUGH LRS &amp; ANR. Appellant(s)

VERSUS

KANTICHANDRA (DECEASED) THROUGH LRS &amp; ANR. Respondent(s)

Date : 20-02-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Appellant(s)

Mr. N.K Mody, Sr. Adv.  
Mr. Prabuddta Singh Gaur, Adv.  
Mr. Siddhant Gupta, Adv.  
Mr. Chirag Sharma, Adv.  
Mr. M. P. Shorawala, AOR

For Respondent(s)

Mr. Awadhesh Kumar Singh, Adv.  
Mr. Abhinav K., Adv.  
Mr. V. N. Raghupathy, AORUPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The Civil Appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)  
COURT MASTER (SH)(VIDYA NEGI)  
COURT MASTER (NSH)

[Signed order is placed on the file]