

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.9873/2017
(@ SLP (C) NO.34771/2015)

UPDESH KUMAR

Appellant

VERSUS

VIJAY KHURANA & ANR.

Respondents

WITH

CIVIL APPEAL NO.9874/2017
[@SLP(C) No.8543/2016] (XIV)

O R D E R

Leave granted.

We have heard learned counsel for the parties and perused the impugned judgment and order dated 16.10.2015 in RFA (OS) No.99 of 2015 passed by the Delhi High Court.

Learned counsel for the appellant submitted that even though the appellant was one of the respondents in the Regular First Appeal before the Division Bench, but no notice was issued to him and on the first day itself the matter was disposed of by recording the consent of the respective counsel of the other parties.

He submitted that this could not have been done as the learned trial Court had granted preliminary decree in his favour also to the extent of 1/3rd share of the property in question. This fact is not being disputed by learned counsel for either of the parties.

We, therefore, set aside the impugned judgment and order dated 16.10.2015 passed by the Delhi High Court. The matters are remanded back to the High Court for deciding them afresh and in accordance with law.

All the points which may be available to the respective parties may be raised.

The Civil Appeals are disposed of in the above terms.

.....J.
[R.K. AGRAWAL]

.....J.
[MOHAN M. SHANTANAGOUDAR]

JULY 28, 2017;
NEW DELHI.

ITEM NO.8

COURT NO.9

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 for Special Leave to Appeal (C) No.34771/2015

(Arising out of impugned final judgment and order dated 16-10-2015 in RFA No.99/2015 passed by the High Court Of Delhi At New Delhi)

UPDESH KUMAR

Petitioner(s)

VERSUS

VIJAY KHURANA & ANR.

Respondent(s)

WITH

SLP(C) No.8543/2016 (XIV)

Date : 28-07-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Petitioner(s) Mr. S.C. Singhal, Adv.
Mr. Parmanand Gaur, AOR

Mr. Gagan Gupta, AOR
Mr. Shekhar Dasi, Adv.

For Respondent(s) Mr. Rahul Gupta, Adv.
Mr. Mayank Goel, AOR

Mr. Gagan Gupta, AOR
Mr. Shekhar Dasi, Adv.

Mr. S.C. Singhal, Adv.
Mr. Parmanand Gaur, AOR

UPON hearing the counsel the Court made the following

O R D E R

The Civil Appeals are disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(CHANDER BALA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE)

