

ITEM NO.15

Virtual Court 2

SECTION X

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 7767/2020

(Arising out of impugned final judgments and orders dated 28.06.2019 in WPMS No. 455/2009 and 18.11.2019 in RAMCC No. 915/2019 passed by the High Court Of Uttarakhand At Nainital)

PALVINDER SINGH & ANR.

Petitioner(s)

VERSUS

PRESCRIBED AUTHORITY & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.41286/2020-CONDONATION OF DELAY IN FILING and IA No.41287/2020-EXEMPTION FROM FILING O.T.)

Date : 19-05-2020 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Ms. Geeta Luthra, Sr. Adv.
Ms. Supriya Juneja, AOR
Ms. Shivani Luthra Lohiya, Adv.
Mr. Varun Dewan, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

Application for exemption from filing
official translation is allowed.

Heard counsel for the petitioner(s).

We find force in the grievance made by the
petitioners that specific ground was urged before
the High Court in review application, which has not
been dealt with appropriately by the High Court. In

the review application, it was prayed as follows :

"It is therefore, prayed that the judgment and order dated 19.06.2019 passed by this Hon'ble Court may kindly be reviewed and modified and it may be clarified that the judgment passed by this Hon'ble Court will be applicable upon following land only :

Khasra no.11 min. area 8 bigha 2 biswa

Khasra no.12 area 28 bigha 6 biswa

Khasra no.13-B area 36 bigha 11 biswa

It may be further clarified that the Ceiling Authorities will not be entitled to recover the possession of the land bearing khasra no.5 (now 5/1) measuring about 3.214 hectare and khasra no.7-C measuring about 1.9160 hectare of village karanpur Tehsil Kaladhungi District Nainital."

The High Court has not addressed the afore-quoted aspect at all in the impugned order dated 18.11.2019 while dismissing the review application.

Accordingly, we set aside that order and restore the review application No. MCC/915/2019 to the file of the High Court for being considered afresh on its own merits in accordance with law.

We may not be understood to have expressed any opinion either way on the merits of the

contention.

We are conscious of the fact that the respondent(s) are not present before this Court but for the nature of order we propose to pass, the presence of the respondent(s) is not necessary.

Accordingly, these special leave petition(s) are disposed of with liberty to the petitioner(s) to pursue review application No. MCC/915/2019 restored to the file of the High Court in terms of this order. In case the High Court reject the review petition, it will be open to the petitioners to challenge that order including the original order dated 28.06.2019 in WPMS No.455/2009 by way of Special Leave Petition before this Court. Ordered accordingly.

Pending application(s), if any, shall stand disposed of.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER