

IN THE SUPREME COURT OF INDIA
CIVI APPELLATE JURISDICTION

CIVIL APPEAL NO.21535 OF 2017
(Arising out of SLP(C)No.18660/2013)

SURJIT SINGH

APPELLANT (S)

VERSUS

SHAMSHER SINGH & ORS.

RESPONDENT (S)

O R D E R

1. Leave granted.

2. The respondent sought to introduce secondary evidence for which an application was filed which was dismissed by the trial Court vide order dated 9.5.2011. The order is a non-speaking order. Against the said order, a revision petition was preferred by the respondent which was allowed in terms of the impugned order of the learned Single Judge dated 13.2.2013 holding that the order of the trial court was without any reasons. However, this order was passed without any notice to the appellant as noticed in the impugned order itself.

3. On hearing learned counsel for the parties, we are of the opinion that both the orders would be unsustainable and therefore, it would be appropriate to remit the matter back to the trial court to decide the application of the respondent for presenting secondary evidence afresh one way or the other by recording reasons. Ordered accordingly.

4. The appeal is accordingly allowed.

.....J.
[J. CHELAMESWAR]

.....J.
[SANJAY KISHAN KAUL]

NEW DELHI
DECEMBER 08, 2017

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 18660/2013

(Arising out of impugned final judgment and order dated 13-02-2013
in CR No. 1008/2013 passed by the High Court Of Punjab & Haryana At
Chandigarh)

SURJIT SINGH

Petitioner(s)

VERSUS

SHAMSHER SINGH & ORS.

Respondent(s)

Date : 08-12-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE SANJAY KISHAN KAULFor Petitioner(s) Mr. Tarnvir Singh Khehar, Adv.
Mr. Abhinav Gupta, Adv.
Mr. Ashok K. Mahajan, AORFor Respondent(s) Mr. Nidhesh Gupta, Sr. Adv.
Mr. Tarun Gupta, AOR
Mr. Puneet Varshney, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed, in terms of the signed order.

(OM PARKASH SHARMA)
AR CUM PS(RAJINDER KAUR)
BRANCH OFFICER

(Signed order is placed on the file)