

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).95-96 /2020
(Arising out of SLP(C) NOS. 22695-22696/2012)

NARINDER KUMAR SHARMA & ORS.

APPELLANT(s)

VERSUS

NARAIN SINGH(D) TR.LRS. & ORS.

RESPONDENT(s)

O R D E R

Permission to file Special Leave Petitions is granted.

Leave granted.

Delay condoned in filing substitution application.

Substitution applications are allowed. Cause title be amended accordingly.

We find from the record that when the matter was taken up for final arguments by the High Court, the counsel for the appellants was present but refused to argue the matter on the ground that he did not have instructions in the matter. The High Court proceeded to decide the appeal on merits with the assistance of the counsel for the respondents. The High Court could have decided the appeal for default as per Order XLI Rule 17 (1) of the Code of Civil Procedure, 1908 and it could not have decided the appeal on merits.

Having regard to the totality of the facts and circumstances of the present case, we deem it proper to give one more opportunity to the appellants to submit their case before the High Court.

Accordingly, the impugned order stands set aside. The matter is remitted to the High Court for fresh disposal of RSA No. 1555 of 1990. RSA No. 1555 of 1990 is restored to the file of the High Court. The High Court will hear both the parties and may decide the appeal on merits as early as possible. Both the parties shall appear before the High Court on 04.02.2020. The appeals stand disposed of accordingly.

The Hon'ble Chief Justice of the High Court of Punjab and Haryana at Chandigarh is requested to post the matter before an appropriate Bench for early disposal as mentioned supra in view of the fact that the appeal is of 1990. We make it clear that, in case the appellants do not appear and argue the case on any date fixed for hearing, the High Court is at liberty to proceed in the matter ex-parte.

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

.....J.
[R. SUBHASH REDDY]

NEW DELHI;
JANUARY 08, 2020

ITEM NO.25

COURT NO.13

SECTION IV-B

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). 22695-22696/2012

(Arising out of impugned final judgment and order dated 30-09-2010 in RSA No. 1555/1990 06-01-2012 in RA No. 70/2011 06-01-2012 in RSA No. 1555/1990 passed by the High Court Of Punjab & Haryana At Chandigarh)

NARINDER KUMAR SHARMA & ORS. Petitioner(s)

VERSUS

NARAIN SINGH(D) TR.LRS.. & ORS. Respondent(s)

(I.A.Nos. 1-26 (Appln. for permission to file SLP)
I.A. Nos. 27-28 (Appln. for Substitution of Lrs. of Deceased Petitioners)
I.A.Nos. 29-30 (Appln. for C/Delay in filing appln. for substitution)
IA No. 1/2012 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 08-01-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s) Mr. Naresh Kaushik, Adv.
Mr. Manoj Joshi, Adv.
Mrs. Lalita Kaushik, AOR

For Respondent(s) Dr. M.S. Verma, Adv.
Mr. Tarun Gupta, AOR
Ms. Ranjna Vohra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Permission to file Special Leave Petitions is granted.

Leave granted.

Delay condoned in filing substitution application.

Substitution Applications are allowed. Cause title be amended

accordingly.

The appeals stand disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)