

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2023
(arising out of SLP(C) No(s). 6398-6399/2017)

OM PARKASH @ ATAM PARKASH & ORS. APPELLANT(S)

VERSUS

SOHAN LAL (D) thr. LRs. RESPONDENT(S)

O R D E R

Leave granted.

2. The present two appeals assail the correctness of two judgments of the High Court dated 5th October, 2016 passed in Regular Second Appeal(RSA) Nos. 3064/2002 and 818/1990 whereby the High Court allowed both the Second Appeals. Regular Second Appeal Nos. 3064/2002 was preferred against the concurrent judgment(s) of

the court below in suit for permanent injunction where the suit has been dismissed and the appeal also dismissed by the First Appellate Court. RSA No. 818/1990 was against the judgment of the Lower Appellate Court whereby the appeal had been allowed and the Trial Court judgment dismissing the suit for possession, had been set aside and the suit had been decreed. It may be noted that the plaintiffs and defendants in both the suits were the same.

3. Without going into any further details what we notice from the impugned judgment(s) of the High Court is that the appeals have been allowed in a very cryptic and telegraphic manner. The discussion by the High Court is confined only to a paragraph in both the orders. Rest of the pages are confined to the submissions advanced and relate to extract of a judgment of this Court in the case of Pankajakshi Vs. Chandrika (2016) 6 SCC 157 wherein scope of Section 41 of the Punjab Courts Act, 1918 had been laid down.

4. Learned counsel for the respondents has not

been able to show us any material discussed by the High Court with regard to the evidence that had been considered by the First Appellate Court, which orders have been set aside by the High Court, nor been able to show us as to how the findings recorded by the First Appellate Court had been reversed by the High Court and on what material.

5. On the above ground, the present appeals deserve to be allowed. The impugned order passed by the High Court in both the Second Appeals are set aside. The matters are remitted to the High Court for a fresh decision on merits of the case(s) in the light of the scope of Section 41 of the Punjab Courts Act, 1918 after giving due opportunity of hearing to the parties.

6. Considering the fact that the Civil Suits are of the year 1987, the High Court would make an endeavor to decide the Second Appeals expeditiously subject to other matters on Board.

7. It goes without saying that the parties would extend all cooperation in the hearing of the appeals.

8. In view of the above, the appeals stand allowed.

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

.....J.
[VIKRAM NATH]

.....J.
[AHSANUDDIN AMANULLAH]

NEW DELHI;
SEPTEMBER 12, 2023.

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). 6398-6399/2017
(Arising out of impugned final judgment and order dated 05-10-2016
in RSA No. 3064/2002 and in RSA No. 818/1990 passed by the High
Court of Punjab & Haryana at Chandigarh)

OM PARKASH @ ATAM PARKASH & ORS.

Petitioner(s)

VERSUS

SOHAN LAL (D) thr. LRs.

Respondent(s)

Date : 12-09-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Gagan Gupta, AOR

For Respondent(s) Mr. Ravi Kumar Tomar, AOR
Mr. Dinesh S . Badiar, Adv.
Mr. J. C. Verma, Adv.UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals stand allowed in terms of the
signed order.Pending application(s), if any, shall stand
disposed of.(SONIA BHASIN)
COURT MASTER (SH)(RANJANA SHAILEY)
COURT MASTER (NSH)

[Signed Order is placed on the file]

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). 6398-6399/2017
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VERSUS

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(RANJANA SHAILEY)
COURT MASTER (NSH)

[Signed Order is placed on the file]