

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.67 OF 2016
(arising out of S.L.P.(Civil) No.2562 of 2005)

MOHDINSA NABISA GURIKAR (D) BY LRS. ... APPELLANT(S)

VS.

IMAMSA CHANDAS GURIKAR (D) BY LRS. & ORS. ... RESPONDENT(S)

J U D G M E N T

Adarsh Kumar Goel, J.

1. Leave granted.
2. Heard the learned counsel.
3. It is pointed out that inspite of framing two questions in paragraph 11 of the judgment, no clear finding has been recorded on the question whether the land was re-granted in favour of the defendants for the benefit of the families of both appellants and defendants or only for defendants and whether there was earlier partition in the presence of village elders.
4. Accordingly, without expressing any view on merits, we set aside the impugned order and remand the matter to the High Court for a fresh decision in accordance with law.

5. Parties are directed to appear before the High Court on 1st February, 2016.

6. In view of the above observation, the appeal is disposed of as allowed. There shall be no order as to costs.

.....J.
[ANIL R. DAVE]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
4th January, 2016.



JUDGMENT