

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5454-55 OF 2016
[@ SPECIAL LEAVE PETITION (C) NO. 994-995 OF 2015]

M/S BABU RAM ASHOK KUMAR

Appellant(s)

VERSUS

MUSHTAQ ALI AND ORS

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. The appellant apparently is aggrieved since the application for restoration of the review of the Judgment dated 28.11.2013 in RSA No. 287 of 1986 on the file of Punjab and Haryana High Court was dismissed.
3. There is no dispute that the review application had been filed on time. It appears from the order dismissing the application for restoration that the applicant had not been prosecuting the case diligently.
4. Having gone through the application and having heard the learned counsel for the parties, we are of the view that the review application deserves to be considered on merits.
5. In that view of the matter, we refrain from making any further observation on the merits of the

case. Therefore, we set aside the order dated 04.09.2014 in CM No. 9394-C of 2014 in RA No. 15-C of 2014 in RSA No. 287 of 1986 and restore the review application to its original file. The matter is remitted to the High Court for consideration of the review application on merits.

6. We direct the parties to appear before the High Court on 01.08.2016. In case the review petitioner does not appear before the High Court on that date, the review application shall stand dismissed.

7. Needless to say that it will be open to the parties to raise all available contentions before the High Court. The status quo order passed by this Court on 06.01.2015 regarding possession shall continue till the matter is disposed of by the High Court.

8. With the above observations and directions, the appeals are disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
JUNE 29, 2016.