

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 18612 OF 2017
[@ SPECIAL LEAVE PETITION (C) NOS. 26140 OF 2013]

SHIVANG MATHUR

Appellant (s)

VERSUS

SOHAN LAL & ORS.

Respondent(s)

J U D G M E N TKURIAN, J.

1. Leave granted.

2. In a petition under Article 226 of the Constitution of India, the High Court passed the following cryptic order :-

".....

In this matter, learned court below has pleased to allow the order of amendment and such order is also discretionary.

This Court in exercise of power under Article 227 of the Constitution of India will not interfere with the same. Accordingly, the same is dismissed summarily....."

3. The issue pertains to the steps taken for amendment of a plaint. The trial court partly allowed it and in revision, the amendment was wholly allowed. The petition under Article 227 of the

Constitution was disposed of by the short Judgment referred to above.

4. Without going into the merits of the matter, the learned counsel on both sides submit that the matter may be sent back to the High Court for a decision on merits with liberty to both the sides to take all available contentions before the High Court, including the contention on the jurisdiction.

5. We find force in the above submission, having regard to the order passed by the High Court, which we have extracted above.

6. Accordingly, without expressing any opinion on the merits of the matter, the Judgment under challenge is set aside and the matter is remitted to the High Court with a request to the High Court to consider the matter on its own merits having regard to the contentions raised by the parties and pass a reasoned order.

7. In view of the above, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

New Delhi;
November 13, 2017.

ITEM NO.12

COURT NO.5

SECTION X

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). 26140/2013

(Arising out of impugned final judgment and order dated 01-05-2013 in WPMS No. 923/2013 passed by the High Court Of Uttarakhand At Nainital)

SHIVANG MATHUR

Petitioner(s)

VERSUS

SOHAN LAL & ORS.

Respondent(s)

Date : 13-11-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. H. P. Rawal, Sr. Adv.
Mr. Raja Chatterjee, Adv.
Mr. Adeel Ahmed, Adv.
Ms. Rona Bhuyan, Adv.
Mr. Satish Kumar, Adv.

For Respondent(s) Mr. Sudhir Naagar, Adv.
Mr. Mohit Singh, Adv.
Mr. Sidharth Khatana, Adv.

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

Leave granted.

The civil appeal is disposed of in terms of the signed non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)