IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 3772/2017

ARYA SAMAJ (R) DAL BAZAARR **APPELLANT(S)**

VERSUS

JAGIR SINGH (D) THR LR **RESPONDENT(S)**

O R D E R

1. **The present appeal has been filed assailing the impugned judgement dated 17.01.2014 passed by the High Court of Punjab and Haryana at Chandigarh in RSA No. 842/1987, whereby the second appeal preferred by the respondent(s) was allowed, and reversed the concurrent findings of the Trial Court and the First Appellate Court.**
2. **Brief facts necessary for adjudicating the present appeal is that the appellant before us is the plaintiff in the suit bearing C.S. No. 214/1982. The suit was filed seeking the relief of declaration and for possession of the suit premises on the basis of a gift deed executed by one Late Shri Ganga Ram dated 15.07.1969.**
3. **Both the Trial Court and the First Appellate Court having**

Signature Not Verified
Digitally signed by SWETA BALODI
Date: 2024.11.16 17:02:19 IST
Reason:

found that the Gift Deed, i.e., Exhibit P-5 was a registered document, duly proved by the attesting witnesses and the scribe, held that the plaintiff/appellant is entitled to the reliefs prayed for and decreed the suit.

4. **On a second appeal filed by the defendant/respondent, the High Court re-appreciated the evidence and without giving any particular findings on perversity with respect to orders passed by the subordinate Courts, arrived at a different conclusion by fixing the onus upon the appellant who was seeking the benefit of the Gift Deed (Exhibit-P-5). Aggrieved, the present appeal has been filed.**

5. **We have heard the learned counsel for the appellant and the learned counsel appearing for the respondent and also perused the impugned judgment dated 17.01.2014 passed by the High Court.**

6. **As stated in the narration of facts, the Trial Court and the First Appellate Court considered the issues framed and accordingly answered in favour of the appellant. While the Trial Court had the benefit of taking note of the demeanor of the witnesses, the First Appellate Court being the final Court of fact and law considered the relevant issues framed and answered them accordingly.**

7. **We are conscious of the amendment made with respect to the need of framing of a substantial question of law. In fact, the High Court held that substantial question of law had been**

answered. However, on a perusal of the impugned judgement, we do not find any substantial question of law being dealt with actually by the High Court, as the decision was passed upon examination of facts. Furthermore, the High Court did not even render its views on any perversity with the reasoning adopted by the Trial Court and the First Appellate Court.

8. **In our considered view, the other reason given by the High Court that the onus is on the appellant/plaintiff to prove the gift deed, of which he seeks benefit, also cannot be taken note of, especially, when the findings on facts have already been given.**

9. **Taking note of the aforesaid, we are inclined to set aside the impugned judgment passed by the High Court by remitting the matter back to it for fresh consideration.**

10. **All the issues are left open and, therefore, we request the High Court to decide the second appeal on its own merits and in accordance with law, without being influenced with any of the previous findings.**

11. **Taking into the facts of the case, since the suit was filed way back in the year 1982, we request the High Court to decide the second appeal within a period of six months from the date of receipt of a copy of this order.**

12. **The appeal stands allowed, accordingly.**

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

……J.
[M.M. SUNDRESH]

……J.
[PRASANNA B. VARALE]

NEW DELHI;
28th OCTOBER, 2026

ITEM NO.102 COURT NO.4 SECTION IV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3772/2017

ARYA SAMAJ (R) DAL BAZAARR Appellant(s)

VERSUS

JAGIR SINGH (D) THR LR Respondent(s)

Date : 28-10-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) Mr. Abhimanyu Tewari- 2828, AOR
Mr. Siddhant Saroha, Adv.
Mr. Sidhant Awasthy, Adv.
Mr. Shravil Budkulia, Adv.
Mr. Kanishk Bhatt, Adv.

For Respondent(s) Mr. Dinesh Verma, Adv.
Mr. Rajat Sharma, Adv.
Mrs. Honey Verma, Adv.
Ms. Goldy Goyal- 3680, AOR

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

The appeal stands allowed in terms of the signed order.

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

(SWETA BALODI) (POONAM VAID)
ASTT. REGISTRAR-cum-PS ASSISTANT REGISTRAR
(Signed order is placed on the file)