

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No(s).5407 OF 2012

CHANDRA SINGH (D) TH.LRS. & ORS.

APPELLANT(S)

VERSUS

HARI SINGH (D) TH.LRS.

RESPONDENT(S)

WITH

CIVIL APPEAL No(s).5410 OF 2012

CIVIL APPEAL No(s).5414 OF 2012

CIVIL APPEAL No(s).5409 OF 2012

CIVIL APPEAL No(s).5411 OF 2012

CIVIL APPEAL No(s).5412 OF 2012

CIVIL APPEAL No(s).5413 OF 2012

O R D E R

Though there was no appeal or cross appeal preferred by the respondents against the judgment and decree passed by the First Appellate Court, however, the appellants are aggrieved by certain findings recorded in the judgment passed by the Division Bench of the High Court, while dismissing the appeal. The Division Bench has not modified the decree passed by the First Appellate Court.

In our opinion, without their being any cross

appeal or cross objection and also modification of judgment and decree made by Division Bench of the High Court, it does not have effect of modifying the decree of the First Appellate Court, we clarify that any finding recorded contrary to the interest of the appellants would not affect judgment and decree of First Appellate Court and rights so determined. Any finding so recorded in the judgment passed by the Division Bench shall not be so construed to modify the judgment and decree of the First Appellate Court which became final with respect to interest of the respondents in absence of appeal or cross objection.

With the aforesaid clarification the judgment and decree passed by the First Appellate Court are hereby affirmed which shall be binding inter parties.

Appeals are, accordingly, disposed of.

.....J.
(ARUN MISHRA)

.....J.
(MOHAN M. SHANTANAGOUDAR)

NEW DELHI;

SEPTEMBER 21, 2017

ITEM NO.103

COURT NO.10

SECTION XV

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

Civil Appeal No(s). 5407/2012

CHANDRA SINGH (D) TH.LRS. & ORS.

Appellant(s)

VERSUS

HARI SINGH (D) TH.LRS.

Respondent(s)

WITH

C.A. No. 5411/2012 (XV)

FOR APPLICATION FOR SUBSTITUTION ON IA 55237/2017

FOR CONDONATION OF DELAY IN FILING ON IA 55238/2017)

C.A. No. 5412/2012 (XV)

C.A. No. 5413/2012 (XV)

C.A. No. 5410/2012 (XV)

C.A. No. 5414/2012 (XV)

C.A. No. 5409/2012 (XV)

Date : 21-09-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Annam D. N. Rao, AOR
Mr. Sudipto Sircar, Adv.
Mr. Venkatesh Rao, Adv.
Mr. Rahul Mishra, Adv.
Mr. Tulika Chikker, Adv.
Mr. Manish Sharma, Adv.

Mr. Dinesh Dwivedi, Sr. Adv.
Mr. S.K. Sinha, AOR
Mr. D.D. Gupta, Adv.
Ms. Seema Kashyap, Adv.

For Respondent(s) Mr. S.K. Jain, Sr. Adv.
Mr. Puneet Jain, Adv.
Mr. Abhinav Gupta, Adv.
Ms. Priyal Jain, Adv.
Mr. harsh Jain, Adv.
Ms. Yashika Sharma, Adv.
Ms. Pratibha Jain, AOR

Mr. Sanjeev Anand, AOR
Mr. Nimit Mathur, Adv.
Ms. Sonam Anand, Adv.

Ms. Sishwarya Bhati, Adv.
Gp. Capt. Karan Singh Bhati, AOR

Ms. Susmita Lal, AOR

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

The appeals are disposed of in terms of the signed order.
Pending application, if any shall stand disposed of.

(NEELAM GULATI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)