

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL No(s). 3890 OF 2018  
(Arising out of SLP( C) No.26977/2017 )**

**GRAM PANCHAYAT VILLAGE ATAURA**

**Appellant(s)**

**VERSUS**

**OM PRAKASH & ORS.**

**Respondent(s)**

**CIVIL APPEAL No(s). 3891 OF 2018  
(Arising out of SLP( C) No.16887/2017)**

**O R D E R**

Heard learned counsel for the parties.

Leave granted.

Learned counsel for the parties agree and rightly, in our opinion, as the question arises whether chaupal in question was covered in the previous case or not.

Considering the facts and circumstances of the case, we set aside the judgment and decree passed by the High Court and the the first appellate court and remit the case to the first appellate court to examine the said issue again with the help of the previous judgment and decree and other material on record and find out precisely what was the area covered in the previous suit and what was the area in the present suit and whether the suit property was a part of the

previous judgment and decree. Let specific finding in this regard be recorded and first appeal be decided afresh.

The appeals are allowed to the aforesaid extent.

.....J.  
(ARUN MISHRA)

.....J.  
(UDAY UMESH LALIT)

NEW DELHI;  
APRIL 17, 2018

ITEM NO.18

COURT NO.10

SECTION XI

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

Petition(s) for Special Leave to Appeal (C) No(s). 26977/2017

(Arising out of impugned final judgment and order dated 21-02-2017 in SA No. 84/2015 passed by the High Court Of Judicature At Allahabad)

GRAM PANCHAYAT VILLAGE ATAURA

Petitioner(s)

VERSUS

OM PRAKASH &amp; ORS.

Respondent(s)

(FOR ADMISSION and I.R. and and IA No.46525/2017-EXEMPTION FROM FILING O.T. and IA No.46522/2017-PERMISSION TO FILE SLP and IA No.46524/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.96916/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA No.96918/2017-impleading party and IA No.96919/2017-EXEMPTION FROM FILING O.T.)

SLP (c ) Nos. 16887/2017

(FOR ADMISSION and EXEMPTION FROM FILING O.T.

Date : 17-04-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Ajay Sharma, AOR

For Respondent(s) Mr. Pramod Dayal, AOR

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

Leave granted.

The appeals are allowed in terms of the signed order.

Pending application, if any, also stand disposed of.

(NEELAM GULATI)  
COURT MASTER (SH)

(JAGDISH CHANDER)  
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)