

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5230 OF 2008
(Arising out of S.L.P. (C) No.8814 of 2006)

Prem Chand and Others

...Appellant(s)

Versus

Board of Revenue U.P. and Others

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

By the impugned order, the High Court set aside the orders passed by the Revenue Officer (Original Authority), Additional Commissioner, Meerut (First Appellate Authority) and Board of Revenue, Uttar Pradesh (Second Appellate Authority) and remanded the matter to the Original Authority with the direction to frame an additional issue as to whether the compromise decree was passed in the suit under Section 59 of the U.P. Tenancy Act and its effect. While doing so, the High Court directed that the Original Authority shall decide the case on the basis of the material existing on record and no party shall be allowed to lead any further evidence.

In our opinion, when the High Court directed the Original Authority to frame an additional issue and decide the matter afresh, there was no justification to direct that the case be decided on the basis of existing material and no party shall allowed to lead further evidence. This direction is wholly unwarranted.

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Accordingly, the appeal is allowed in-part, impugned order is modified to this extent that, after framing issue, as directed by the High Court, the Original Authority shall give opportunity to the parties to lead further evidence. As the matter has become very old, we reiterate the direction of the High Court that proceeding shall be disposed of within a period of six months from the date of receipt/production of copy of order of High Court and this order.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
August 25, 2008.