

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

**CIVIL APPEAL NO. /2026
@ SLP (C) NO.33889/2025**

ASHOK KUMAR

APPELLANT

VERSUS

KEWAL KRISHAN & ORS.

RESPONDENTS

O R D E R

1. Heard.
2. Leave granted.
3. The order dated 10.11.2025 is under challenge before this Court whereunder the jurisdictional High Court has allowed the Revision Petition filed by respondent No.1 herein and directed the jurisdictional Court to draw the final decree-sheet pursuant to the final decree dated 04.03.2024 within a period of two months from the date of the order.
4. Having heard the learned counsels appearing for the parties and on perusal of the entire records, it would clearly emerge therefrom that subsequent to the passing of the preliminary decree on 24.08.2017, the final decree came to be passed on

04.03.2024. However, it is the case of the appellant herein that pursuant to the said final decree, there was discussion between the parties which resulted in a settlement agreement being entered into on 25.07.2024 between parties and as such an application under Order XXIII Rule 3 of the Code of Civil Procedure, 1908 (for short, "CPC") was filed in C.S. No.243/2021 before the jurisdictional Court with a prayer to dispose of the matter in terms of the Memorandum recording family settlement dated 25.07.2024. However, after a period of one year, objections came to be filed to the said application by respondent No.1 herein, i.e., on 20.08.2025 and these facts being well within the knowledge of respondent(s) herein, yet suppressing these facts and depicting as though there are no proceedings pending before trial court and for the alleged enforcement of the final decree dated 04.03.2024, Civil Revision Petition under Article 227 of the Constitution of India came to be filed seeking for a direction to the jurisdictional Court to draw the final decree in C.S. No.365/2017 dated 04.03.2024. Surprisingly, the High Court has also not issued notice to respondent No.1, namely, the appellant herein. In fact, the copy of the Civil Revision Petition is not placed on record. The fact that application filed under Order XXIII Rule 3 of the CPC (by the appellant and respondent Nos.2 to 5 herein at Annexure P5) and the objections filed on 20.08.2025 (by respondent No.1 herein)

seems to have not been brought to the notice of the High Court. Obviously, the fact of the final decree having not been crystallized seems to have swayed in the mind of the High Court to issue a direction to conclude the said proceedings. In the event of either of the parties had brought it to the notice of the High Court about the pendency of the application filed under Order XXIII Rule 3 of the CPC or objection filed thereto which was pending consideration, the impugned order would not have been passed. The appellant herein was not even issued with the notice in the Revision Petition, and as such the appellant could not bring these facts to the notice of the High Court also. No blame can be laid at the doors of the appellant herein. In fact, respondent No.1 herein, who had approached the jurisdictional High Court under Article 227 of the Constitution of India, ought to have disclosed all the material facts before the High Court including the factum of an application under Order XXIII Rule 3 of the CPC and objection to same having been filed by the parties. In the light of the said fact having not been brought to the notice of the High Court, the impugned order came to be passed and as such impugned order cannot be sustained for two reasons:

- (i) Firstly, on account of notice having not been issued to the appellant herein;

- (ii) Secondly, on account of respondent No.1 herein having not disclosed before the High Court about the pendency of the application filed under Order XXIII Rule 1 of the CPC by appellant and objection filed to said application by 1st Respondent herein.

Hence, the impugned order is set aside. The Revision Petition stands restored to the file of the High Court for being disposed of in accordance with law by taking note of the application filed under Order XXIII Rule 3 of the CPC and objections filed thereto. Accordingly, appeal is allowed.

5. No order as to costs. All pending application stand consigned to records.

.....J.
(ARAVIND KUMAR)

.....J.
(VIPUL M. PANCHOLI)

NEW DELHI;
OCTOBER 27th, 2026.

ITEM NO.12

COURT NO.9
S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

SECTION IV-D

I N D I A

Petition(s) for Special Leave to Appeal (C)
No(s).33889/2025

[Arising out of impugned final judgment and order dated 10-11-2025 in CR No.8018/2025 passed by the High Court of Punjab & Haryana at Chandigarh]

ASHOK KUMAR

Petitioner(s)

VERSUS

KEWAL KRISHAN & ORS.

Respondent(s)

[MEDIATION REPORT RECEIVED]

IA No. 299565/2025 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

Date : 27-10-2026 This matter was called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. Rit Arora, Adv.
Mr. Anurag Arora, Adv.
Mr. Anurag Soan- 3462, AOR

For Respondent(s) : Ms. Sugandh Rathor- 4393, AOR
Mr. Mayank Dahiya, Adv.
Mr. Kustubh Singh, Adv.
Mr. Siddhant Rai Sethi, Adv.

Mr. Prashant Rawat- 4125, AOR

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

Leave granted.

Civil Appeal is allowed in terms of the signed order placed on
the file.

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

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)