

C.A.No. 2659-2660 OF 2003
ITEM No.33

Court No. 2

SECTION XIV
A/N MATTER

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.2659-2660/2003

FOOD CORPORATION OF INDIA & ORS.

Appellant (s)

VERSUS

BIMLESH TIWARI(D) BY LRS. & ANR.

Respondent (s)

(Prayer for interim relief)
(For Final Disposal)

Date : 16/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Appellant (s)Mr. Ajit Pudussery, Adv.

For Respondent (s)Mr. Arvind Kumar Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeals are allowed, the impugned judgments of the High Court are set aside, the matter is remanded to the High Court for hearing and decision afresh in terms of the signed order. The parties through their learned counsel are directed to appear in the High Court on 23rd February, 2004.

KALYANI

(RADHA R. BHATIA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 2659-2660 OF2003

FOOD CORPORATION OF INDIA & ORS.

.....

APPELLANT (S)

VERSUS

BIMLESH TIWARI (D) BY LRS. & ANR.

.....

RESPONDENT (S)

O R D E R

It is stated at the Bar that the appeal was heard by the Division Bench in the absence of the counsel for the respondents there. It is pointed out by the learned counsel for the appellan

ts-F.C.I and others that it was an old matter which suddenly came up for hearing and in between there had been a change in counsel and, therefore, the default took place. In the facts and circumstances of the case, we are satisfied that the appellants-F.C.I. and others deserve an opportunity of hearing being allowed in the High Court. The appeals are allowed, the impugned judgments of the High Court are set aside, the matter is remanded to the High Court for hearing and decision afresh. Needless to say, that the appeal being an old appeal of the year 1981 it shall be given priority for hearing over other matters and we request the High Court to hear and decide the appeal within a period of four months from the date of appearance of the parties before it. The parties through their learned counsel are directed to appear in the High Court on 23rd February, 2004.

.....J
(R.C. LAHOTI)

.....J
(ASHOK BHAN)

NEW DELHI;
JANUARY 16, 2004.