

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(Civil)...../2001  
(CC 2963/2001)  
(From the judgement and order dated 13/10/2000 in CRA 1575/86  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

VRAJLAL RATILAL Petitioner (s)

VERSUS

SHAH BALUBEN TALAKSHI (D) THRU HEIRS Respondent (s)  
( With Appln(s). for c/delay in refiling SLP )

Date : 30/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. R.K. Jain,Sr.Adv.  
Mr. Manoj Goel,Adv.  
Mr. Kamal Mehta,Adv.  
Mr. Avinash Kumar,Adv.  
Mr. Prashant Kumar,Adv.

For Respondent (s) Mr. S.H. Sanjanwala,Sr.Adv.  
Ms. Sumita Hazarika,Adv.  
Ms. Hemantika Wahi,Adv.

UPON hearing counsel the Court made the following  
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Delay condoned.

Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)  
Court Master

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3473 of 2001@@  
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(Arising out of S.L.P. (C) No. 7850 of 2001)@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(CC 2963/2001)

Vrajlal Ratilal ...Appellant (s)

Versus~

Shah Baluben Talakshi (D) Thr. Heirs ....Respondent (s)

O R D E R@@  
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Delay condoned.

The judgment and order under challenge was passed by a learned Single Judge of the High Court of Gujarat. He declined to follow the judgment of another learned Single Judge of that High Court. He said: "Learned counsel for the petitioner then submitted that if I am inclined to take a different view in the matter, this revision may be referred to a larger Bench. This request is rejected as I consider this unnecessary".

This is clearly impermissible.

Learned counsel for the respondent submitted that we should not interfere because, later, a Division Bench had accepted as correct the view that was taken in the judgment under challenge. He also submitted that we should not ...2/-

interfere having regard to the facts of the case.

In our view, interference is called for, for the simple reason that, as the passage quoted above shows, the learned Single Judge declined to follow the judgment of a coordinate court, which he was bound to do.

Leave granted.

Learned counsel for the respondent submits, at this point, that the judgment and order under challenge may be set aside and the revision application restored to the High Court. This is, plainly, the right thing to do.

Accordingly, the civil appeal is allowed. The judgment and order under challenge is set aside. The Civil Revision Application (No.1575 of 1986) upon which the order under challenge was passed shall stand restored to the file of the High Court to be heard and disposed of afresh, on merits and without reference to the order under challenge.

Pending the disposal of the matter afresh by the High Court, the status quo as of today shall be maintained.

No order as to costs.

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.....J.  
(S.P. Bharucha)@@  
AAAAAAAAAAAAAAAA

.....J.  
(Y.K. Sabharwal)@@  
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New Delhi,  
April 30, 2001.