

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7326 OF 2013
(Arising out of S.L.P.(C) No. 3136 of 2006)

|Nagendra Yadav | .. Appellant(s) |

Versus

|Smt. Kalawati & Ors. | .. Respondent(s) |

O R D E R

1. Delay condoned.

2. Leave granted.

3. This appeal is directed against the judgment and order passed by the High Court of judicature at Allahabad in Civil Misc. Writ Petition No. 52011 of 1999, dated 25.05.2005 and in Civil Misc. (Recall) Application No. 162008 of 2005, dated 08.11.2005.

4. Admittedly the writ petition was allowed by the High Court without affording the opportunity of hearing to the appellant herein. In our opinion, in the peculiar facts and circumstances of the case, the High court ought to have afforded opportunity of hearing to the appellant, who is the Chairman of the Land Management Committee.

5. In view of the above, we allow this appeal, set aside the impugned judgment(s) and order(s) passed by the High Court and remand the matter back to the High Court to re-consider the appeal once again after affording opportunity of hearing to the parties. All contentions of the parties are kept open.

6. The Civil Appeal is disposed of accordingly.

Ordered accordingly.

.....J.
[H. L. DATTU]

.....J.
[M. Y. EQBAL]

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).3136/2006

(From the judgement and order dated 25/05/2005 in CMWP No.52011/1999 dated 08/11/2005 in CMRA No.162008/2005 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

NAGENDRA YADAV

Petitioner(s)

VERSUS

KALAWATI & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)
(FOR FINAL DISPOSAL)

Date: 30/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Dr. J.N. Dubey, Sr. Adv.
Mr. Anurag Dubey, Adv.
Mr. Meeneesh Dubey, Adv.
Ms. Anu Sawhney, Adv.
Mr. S.R. Setia, Adv.

For Respondent(s) Mr. Rakesh K. Sharma, Adv.

Mr. S.R. Singh, Sr. Adv.
Mr. Avnish Singh, Adv.
Mr. Ankur Yadav, Adv.
Mr. Kuldeep Yadav, Adv.
Mr. Abhish Kumar, Adv.

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

Delay condoned.

Leave granted.

The appeal is allowed in terms of the signed order.

| [Charanjeet Kaur] | | [Vinod Kulvi] |
|Court Master | |Asstt. Registrar |

[Signed order is placed on the file]