

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) No(s).3112/2004

(From the judgement and order dated 23/10/2003 in CMWP No.21510/1988
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MADARSA ISLAMIA ARABIA BAB-UL-ULOOM &ANR

Petitioner(s)

VERSUS

SUFI ABDUL RAHIM (DEAD) THROUGH LRS.&ORS

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 04/07/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. R.D. Upadhyay,Adv.

Ms. Vinita G. Upadhyay,Adv.

Mr. G.G. Upadhyay,Adv.

Mr. Syed Ali Ahmad,Adv.

Mr. Syed Tanweer Ahmad,Adv.

Mr. Awadhesh Kumar Singh,Adv.

For Respondent(s)

Mr. M.P. Jha,Adv.

Mr. Ram Ekbal Roy,Adv.

Mr. Harshvardhan Jha, Adv.

Mr. Anil K. Chopra, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The appeal is allowed.

[Alka Dudeja]

[Om Prakash]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2771 OF 2006

(ARISING OUT OF S.L.P.(C) NO. 3112 OF 2004)

Madarsa Islamia Arabia Bab-Ul-Uloom and Anr. ...Appellant(s)

Versus

Sufi Abdul Rahim (Dead) through Lrs. and Ors. ...Respondent

(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

By the impugned order, the High Court dismissed the writ petition on the ground that the same has become infructuous. Learned counsel appearing on behalf of the respondents could not point out in what manner the writ petition has become infructuous. From the perusal of the writ petition it would appear that the High Court was not justified in dismissing the same on the ground that the same has become infructuous, rather the petition should have been disposed of on merits after giving opportunity of hearing to the parties.

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Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the High Court to decide the writ petition on merits in accordance with law after giving opportunity of hearing to the parties.

Let hearing of the writ petition be expedited.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,

July 04, 2006.