

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3787/2007

(From the judgement and order dated 03/11/2006 in CR No.164/2006
of The HIGH COURT OF H.P. AT SHIMLA)

STATE OF H.P

Petitioner(s)

VERSUS

HARI DUTT @ SODHI

Respondent(s)

(With office report)

Date: 07/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Naresh K. Sharma, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Leave granted.

Heard learned counsel appearing on behalf of the appellant.

In spite of service of notice, nobody has entered appearance
on behalf of the respondent to contest the prayer made in this appeal.

The civil appeal is allowed.

[T.I. Rajput]
A.R.-cum-P.S.[Savita Sainani]
Court Master[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6595 OF 2008
(Arising out of S.L.P. (C) No.3787 of 2007)

State of Himachal Pradesh

...Appellant(s)

Versus

Hari Dutt @ Sodhi

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel appearing on behalf of the appellant.

In spite of service of notice, nobody has entered appearance on behalf of the respondent to contest the prayer made in this appeal.

Trial Court refused permission to the appellant file written statement, which order has been confirmed by the High Court. Hence, this appeal by special leave.

Having heard learned counsel appearing on behalf of the appellant and perused the records, we are of the view that it was a fit case in which the Trial Court should have granted permission to file written statement.

Accordingly, the appeal is allowed, impugned orders are set aside and the appellant is permitted to file written statement within a period of two months from today.

J.

[B.N. AGRAWAL]

J.

[G.S. SINGHVI]

New Delhi,
November 07, 2008.