

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

Civil Appeal Nos.1732-1736/1999

VIMLA & ORS. APPELLANT(S)

VERSUS

K. NARAYANA & ORS. RESPONDENT(S)
(With office report)

Date : 01/04/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Appellant (s)Mr. Prashant Bhushan, Adv.
Mr. Narinder Verma, Adv.For Respondent (s)Mr. G.V. Chandrashekhar, Adv.
for Mr. P.P. Singh, Adv.UPON hearing counsel the Court made the following
O R D E RHeard learned counsel for the parties for 10 minutes.
The appeals are allowed with no costs in terms of the signed order.Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1732-1736 OF 1999

VIMLA & ORS.... APPELLANTS

VERSUS

K. NARAYANA & ORS.... RESPONDENTS

O R D E R

The order dated 21.9.1998 passed by the High Court in Regular Second Appeal No.313/87 connecte

d with Regular Second Appeal Nos.314 to 318 of 1987 is under challenge in these appeals. The afore-mentioned second appeals were disposed of by the order dated 24.7.1997 allowing them and remitting the matters to the trial court to dispose of the same in the light of observations made therein. Strangely, the High Court passed another, rather unusual order on the same day sending for the public prosecutor to appear before the High Court in the same second appeals and directed the public prosecutor to write to the concerned Corps of Detectives to cause enquiry into the allegation of land grabbing, notwithstanding the fact that it has happened 10 years ago, and to submit a report. It is thereafter, in the same second appeals the impugned order came to be passed acting upon the report made pursuant to the directions given.

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The learned counsel for the appellants contended that the order under challenge in these appeals cannot be sustained, inasmuch it is one passed without jurisdiction. When the High Court had disposed of the second appeals, the question of passing the impugned order in disposed of second appeals did not arise. The learned counsel also made few more submissions touching the merits of the contentions which arose for consideration in the second appeals.

In opposition, the learned counsel for the respondents was not in a position to dispute the legal position that after the disposal of the second appeals on 24.7.1997, the High Court had no jurisdiction to pass the impugned order on 21.9.1998.

We have no hesitation in accepting the submissions that the High Court has committed a serious error in passing the impugned order long after disposal of the second appeals, remitting the matters to the trial court, as indicated above. In this view, the appeals are allowed, the impugned order is set aside. No costs.

[SHIVARAJ V. PATIL]J.

New Delhi,
April 1, 2004.

.....J.
[Dr. AR. LAKSHMANAN]