



2. The defendants in a suit for specific performance are the appellants before us. The suit was contested by the appellants. The trial Court decreed the suit by judgment and decree dated 10.10.1994. The appellants filed a first appeal before the High Court. The High Court has dismissed the said appeal by the impugned judgment of the learned single Judge dated 2.5.2009.

3. We may mention here that appellants had challenged the said judgment in a Letters Patent Appeal, which was dismissed by a Division Bench of the High Court as not maintainable on 1.10.2009. Though the said order is also challenged, the same is not pressed and challenge is restricted to the order of the learned single Judge dated 2.5.2009.  
.....2.

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4. We find that the High Court has disposed of the first appeal by a rather sketchy judgment. It has not considered the oral or documentary evidence that has been let in by the parties. It has affirmed the judgment of the trial Court without much discussion, by extracting some portion of the trial Court's judgment. It did not even formulate the questions for its decision.

5. In the circumstances, the learned counsel for the respondent also very fairly submitted that instead of the matter being kept pending before this Court, the appeal may be remanded to the High Court for fresh disposal in accordance with law.

6. In view of the above, we allow the appeals, set aside the judgment dated 2.5.2009 of the learned single Judge of the High Court and remand the matter to the High

Court for fresh disposal in accordance with law.

On the

facts and circumstances, we request the High Court to  
dispose of the matter expeditiously.

.....J.  
( R.V. RAVEENDRAN )

New Delhi;  
July 30, 2010.

.....J.  
( H.L. GOKHALE )