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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5201 OF 2001

BACHWA DEVI

Appellant(s)

VERSUS

CHANDRIKA SAO & OTHERS

Respondent(s)

O R D E R

The learned Single Judge of the High Court of Judicature at Patna, Ranchi Bench, vide its order dated 16th July, 1998, dismissed the writ petition questioning the legality of correctness of the orders passed by the authorities dated 24th February, 1988 and 6th February, 1990. The consequence of a detailed discussion which affirmed the finding of facts was that the sale deed executed by the petitioner therein, was not proper as well as the sale deed executed in favour of the wife, that is, the present appellant was also set aside. The revisional authority as well as the learned Single Judge held that the purpose was to defeat the right of pre-emption available to the respondents and, therefore, set aside the sale deeds in question.

Dissatisfied with the judgment of the learned Single Judge, the present appellant preferred an appeal, being L.P.A. No.354 of 1998, which came to be dismissed vide order dated 5th November, 1999. It is this order of the Division Bench of that High Court, which has been assailed in the present appeal.

The basic argument is that various contentions were raised before the Appellate Bench but none of them have been considered and the appeal has been disposed of by a cryptic order. We must keep in mind that reason is the soul of a judgment. To provide reasons is obligatory upon the Court

as it provides grounds to the party concerned to be aware why the relief has been granted or declined to the party concerned, to make a right of appeal effective as well as to meet the principle of judicial propriety. The reasons are essence of a judgment. We find merit in the contention that the High Court should have dealt with the various grounds raised in the appeal and dealt with them in accordance with law by providing appropriate reasons.

Resultantly, we set aside the judgment of the High Court and remand the matter to the High Court for hearing afresh in accordance with law, as expeditiously as possible.

The appeal is, accordingly, disposed of.

The parties may apply for interim relief, if any, before the High Court.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(SWATANTER KUMAR)

New Delhi;
June 14, 2011.
ITEM NO.102

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s).5201 OF 2001

BACHWA DEVI

Appellant (s)

VERSUS

CHANDRIKA SAO & ORS.

Respondent(s)

Date: 14/06/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE SWATANTER KUMAR
(VACATION BENCH)

For Appellant(s) Mr. Sunil Kumar, Sr. Adv.
Mr. Shree Prakash Sinha, Adv.

Mr. Irshad Ahmad, Adv.
Mr. Shekhar Kumar, Adv.
Mr. Vijay Kumar, Adv.

For Respondent(s)

Ms. Kumud L. Das, Adv.
Mr. Param Kumar Mihra, Adv.
Mr. Y.K.S. Chauhan, Adv.
Mr. Pawan Kishore Singh, Adv.

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

The appeal is disposed of in terms of the signed
order.

(Chetan Kumar)
Court Master

(Indu Satiya)
Court Master

(Signed order is placed on the file)