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SLP(C)No. 11279 OF 2001
ITEM No.204

Court No. 2

SECTION IX
A/N MATTER

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.11279/2001

(From the judgement and order dated 18/10/2000 in LPA 660/00
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

CHAUDHARY NARSIBHAI LALJIBHAI

Petitioner (s)

VERSUS

STATE OF GUJARAT & ORS.
(With prayer for interim relief)
(For Final Disposal)

Respondent (s)

Date : 07/02/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. P.K. Dey, Adv.
Mr. Santanu Ghosh, Adv.
Ms. Abha R. Sharma, Adv.

For Respondent (s) Mr. Mahendra Anand, Adv.
Mr. Abhijat P. Medh, Adv.

Mr. Yashank Adhyaru, Adv.
Mr. S.K. Sabharwal, Adv.
for M/s I.M. Nanavati Associates, Adv.

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

....L.....I.....T.....T.....T.....T.....T.....J
.SP2

Heard learned counsel for the parties for about half
an hour.

Leave is granted.
The appeal is allowed in terms of the signed order.
There shall be no order as to costs.

.SP1

(N. Annapurna)
Court Master

(Kanwal Singh)
Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NO. 1111 OF 2003@@
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(Arising out of S.L.P.(C) No.11279/2001)

Chaudhary Narsibhai Laljibhai ...Appellant(s)

versus

State of Gujarat & Ors. ...Respondent(s)

O R D E R@@
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Leave is granted.

The short grievance of the appellant is that his civil application was not decided on its merits.

He submits that order passed by the learned Single Judge in Misc. Civil Application (Stamp Number) No.1066 of 2000 was ex-parte without hearing him. He filed Civil Application No.3545 of 2000 to set aside the ex-parte order. As it appears from the order dated July 7, 2000, the learned Single Judge dismissed that application without expression any opinion on its merits. Against that order the appellant filed L.P.A.No.660 of 2002 before the High Court of Gujarat at Ahmedabad. A Division Bench of the High Court, by the impugned order, decided the case on merits in regard to allotment of the land to respondents 2 to 8. Insofar as the grievance of the appellant with regard to recalling the order allowing the writ petition on February 29, 2002 was concerned, it was observed:

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"....the learned Single Judge having condoned the delay in moving such application has categorically observed in para 4 of the order dated 7th July 2000 that the contention as had been raised on behalf of the present appellant was a question of fact and it has also been noticed that the orders have been passed by the Asst.Collector and the Special Secretary in presence of the present appellant. In any view of matter, we do not find any ground either for interfering with the order dated 29th February 2000 or for the purpose of the appellant's prayer that the order dated 29th February 2000 should have been recalled and the Misc.Civil Application should have been allowed."

.SP2

It is from that order of the High Court the present appeal arises.

Mr.P.K.Dey, the learned counsel for the appellant, submits that the civil application of the appellant was not

