

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

Petition(s) for Special Leave to Appeal (Civil) No.5471/2000

(From the judgement and order dated 25/11/1999 in SAO 85/83
of The HIGH COURT OF DELHI AT N. DELHI)

SARJIWAN

Petitioner (s)

VERSUS

SHIV KUMAR & ANR

Respondent (s)

(With prayer for interim relief)

Date : 03/11/2000 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Shailendra Bhardwaj,Adv.

For Respondent (s) Mr. Rajinder Mathur,Adv.

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

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Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(S.Sen Gupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. of 2000@@
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(Arising out of S.L.P. (C) No.5471 of 2000)

Sarjiwan

...Appellant (s)

Versus~

Shiv Kumar & Anr.

....Respondent (s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J

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Leave granted.

The order under challenge allowed the appeal principally on the ground that the respondents had not been appearing. There is next to no discussion on the merits. We have seen the reasons advanced by the appellant, who was the second respondent before the High Court, for his non-appearance. We are of the view that, in those circumstances, the order under appeal should be set aside and the appeal (S.A.O. No.85 of 1983) restored to the High Court to be heard and disposed of on merits.

Having regard to the passage of time, this shall be done expeditiously.

The civil appeal is allowed accordingly.

No order as to costs.

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.....J.
(S.P. Bharucha)

.....J.
(Y.K. Sabharwal)

.....J.
(B.N. Agrawal)

New Delhi,
November 03, 2000.