

SLP(C)No. 7126 OF 2003
ITEM No.32

Court No. 6

SECTION XIV
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.7126/2003

(From the judgement and order dated 26/11/2002 in RFA 758/02
of The HIGH COURT OF DELHI AT N. DELHI)

RADHEY SHAYAM SHARMA

Petitioner (s)

VERSUS

PREM SHANKAR SHARMA & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 09/10/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. S.K. Verma,Adv.

For Respondent (s) Mr Pavan Kumar,Adv.

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

Leave granted. The appeal is allowed with no order
as to costs.

(USHA BHARDWAJ)
P.S. TO REGISTRAR

(MADHU SAXENA)
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2003
(Arising out of SLP(Civil)No.7126 of 2003)

Radhey Shyama Sharma

... Appellant

vs.

Prem Shankar Sharma & Anr.

...Respondents

O R D E R

Leave granted.

The notice was issued in the special leave petition limited to the question as to why the impugned order passed in the first appeal filed by the appellant should not be set aside and matter remanded back to the High Court for re-decision on merits. The reason for the limited notice was that the first appellate court had not given any reason whatsoever in support of its decision to dismiss the first appeal. Without expressing any view on the merits of the dispute between the parties, we set aside the decision of the High Court and remand the matter back for re-decision on merits by a reasoned order and after hearing the parties.

:2:

The appeal is allowed but without any order as to costs.

.....J.

(RUMA PAL)

.....J.

(P.VENKATARAMA REDDI)
New Delhi,
Dated : 09.10.2003