

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). 2589 OF 2004

SUMAN AGRAWAL & ANR. Appellant (s)

VERSUS

DARBHANGA MUNICIPAL CORPORATION & ANR. Respondent(s)

(With appln(s) for permission to file rejoinder affidavit)

WITH Civil Appeal NO. 2591 of 2004
(with appln.(s) for permission to file rejoinder affidavit)

Civil Appeal NO. 2590 of 2004
(with appln.(s) for permission to file rejoinder affidavit)

Date: 22/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Amit Pawan, Adv.
Mr. PrakashKumar, Adv.
Mr. Amit Kumar,Adv.

For Respondent(s) Mr. Anand Nandan, Adv.
Mr. Manoj Ranjan Sinha, Adv.
Mr. Shishir Pinaki, Adv.
Mr. T. Mahipal,Adv.

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

The Appeals are disposed of in terms of the signed order.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 2589 OF 2004

SUMAN AGRAWAL & ANR. Appellant (s)

VERSUS

DARBHANGA MUNICIPAL CORPORATION & ANR. Respondent(s)

WITH
CCIVIL APPEAL NO. 2591 of 2004
CIVIL APPEAL NO. 2590 of 2004

O R D E R

Heard the learned counsel for the parties in the Appeals.

CIVIL APPEAL NO(s). 2589 OF 2004

This Appeal, by special leave, has been filed against the impugned judgment of the High Court of Judicature at Patna dated 11.12.2003 passed in Civil Revision No. 254 of 2003.

We have perused the impugned judgment of the High Court and found that no reasons on the merits of the case have been given therein. It is well settled that the High Court should give reasons while deciding the case.

:1:

In the circumstances, while we affirm the order of the High Court condoning delay in filing the Civil Revision, we set aside the order so far as it relates to the merits of the case. The matter is remanded to the High Court for a fresh decision in accordance with law expeditiously after hearing the parties concerned.

The Appeal is disposed of accordingly. No costs.

CIVIL APPEAL NO. 2591 of 2004
CIVIL APPEAL NO. 2590 of 2004

These Appeals, by special leave, have been filed against the impugned judgments of the High Court of Judicature at Patna dated 19.03.2004 passed in M.J.C. No. 244 of 2004 and dated 06.04.2004 passed in M.J.C. No. 245 of 2004.

We have perused the impugned judgments of the High Court and found that no reasons on the merits of the case have been given therein. Hence, while we affirm the orders of the High Court restoring the Civil Revision Nos.

1567/2002 and 1566/2002, we set aside the orders so far as they relate to the merits of the case. In the circumstances, the matters are remanded to the High Court for a fresh decision in accordance with law expeditiously after hearing the parties concerned.

:2:

The Appeals are disposed of accordingly. No costs.

.....J.
(MARKANDEY KATJU)

.....J.
(T.S. THAKUR)

NEW DELHI
SEPTEMBER 22, 2010.

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