

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7385/2006

(From the judgement and order dated 28/11/2005 in SA No. 202/2003 & MCC No. 761/2005 of The HIGH COURT OF M.P AT GWALIOR)

JAGMOHAN DAS (D) TH. LRS. & ORS.

Petitioner(s)

VERSUS

LAXMI CHANDRA (D) TH. LRS. & ORS.

Respondent(s)

(With prayer for interim relief and office report)
(For final disposal)

Date: 18/07/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Mr. Pardeep Gupta, Adv.
Mr. K.K. Mohan, Adv.
Mr. Suresh Bharti, adv.

For Respondent(s)
Ms. Pratibha Jain, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.
The appeal is allowed in terms of the signed order.

(Shashi Sareen)
Court Master

(Vijay Aggarwal)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. OF 2008
(Arising out of SLP(C) No. 7385 of 2006)

JAGMOHAN DAS (D) TH. LRS. & ORS.

... Appellant(s)

Versus

LAXMI CHANDRA (D) TH. LRS. & ORS.

... Respondent(s)

ORDER

Heard learned counsel for the parties.

Leave granted.

We have perused the impugned order of the High Court.

The High Court has not considered the issues in the proper perspective. Let the High Court decide the matter afresh in the light of what has been stated in Narayan Vishnu Hendre and Ors. Vs. Baburao Savalram Kothawale 1995 (6) SCC 608, more particularly paragraphs 13, 14 and 18 of the judgment.

The appeal is allowed to the aforesaid extent.

.....J.
(Dr. ARIJIT PASAYAT)

.....J.
(Dr. MUKUNDAKAM SHARMA)

New Delhi,
July 18, 2008.