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SLP(C)No. 10185 OF 2001
ITEM No.22

Court No. 5

SECTION XVII
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.10185/2001

(From the judgement and order dated 07/02/2001 in SA 406/99
of The HIGH COURT OF PATNA)

KALI SAO & ORS.

Petitioner (s)

VERSUS

SHANTI DEVI & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing O.T.)

Date : 06/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. P.S. Mishra, Sr. Adv.
Mr. Manu Shanker Mishra, Adv.
Mr. Upendra Mishra, Adv.
Ms. Swarupa Reddy, Adv.
Mr. Vishnu Sharma, Adv.
Mr. Tathagat H. Vardhan, Adv.
Mr. S.B. Upadhyay, Adv.

For Respondent (s) Mr. S.S. Dwivedi, Sr. Adv.
Mr. Ravi Shanker Dwivedi, Adv.
Mr. Ajay Choudhary, Adv.

Mr. M.P. Jha, Adv.
Mr. Ram Ekbal Roy, Adv.
Mr. Anil K. Chopra, Adv.
Mr. Kumar Alok, Adv.

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

.....L.....I.....T.....T.....T.....T.....T...J.
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Heard learned counsel for the parties for half an
hour.

Leave granted.
The appeal is disposed of accordingly.
No costs.

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(R.K. Dhawan) (Shelly Sengupta)
Court Master 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 2002@@
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(Arising out of SLP(C) No. 10185 of 2001)

Kali Sao & Ors.

Appellant(s)

versus

Shanti Devi & Ors.

Respondent(s)

O R D E R@@
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Leave granted.

Upon hearing the submissions made on behalf of the parties and having due regard to the records, as produced before this Court, we do feel it inclined to record that there exist some amount of confusion as regards factual score so far as the order of the First Appellate Court is concerned, which would inevitably be reflected in the judgment of the High Court as well.

Having regard to the contextual facts, we do deem it fit thus to set aside the order impugned in this appeal as also that of the First Appellate Court and remand the matter back to the First Appellate Court to deal with the matter in accordance with law after affording an opportunity of hearing to the parties.

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The First Appellate Court is directed to deal with the matter with utmost expedition and preferably within a period of six months from the date of communication of this order.

The appeal is disposed of accordingly.
No costs.

.SP1

.....J
(U.C. BANERJEE)

.....J
(B.N. AGRAWAL)

New Delhi,
September 6, 2002.