

SLP(C)No. 10933-10937 OF 2000

ITEM No.34

Court No.10

SECTION IX
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.10933-10937/2000

(From the judgement and order dated 24/07/1998 in FA 1311/98 to 1315/98 of the High Court of Gujarat at Ahmedabad)

STATE OF GUJARAT

Petitioner (s)

VERSUS

MAHADEV'S TEMPLE, GUJARAT & ORS.

Respondent (s)

(With Appln(s). for c/delay in filing SLP)

Date : 08/05/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s)

Ms. Hemantika Wahi, Adv.
Ms. Sumita Hazarika, Adv.

For Respondent (s)

Mr. M.A.Chinnasamy, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J.
.SP2

Delay condoned.
Leave granted.
The appeals are disposed of. No order as
to costs.

.SP1

(K.K. Chawla) (D.D. Jindal)
Court Master Assistant Registrar

Signed order is placed on the file.

.PA
.PL58

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2001
(ARISING OUT OF SLP (C) NOS.10933-10937 OF 2000)

STATE OF GUJARAT

APPELLANT

VERSUS

MAHADEV'S TEMPLE, GUJARAT & ORS.

RESPONDENTS

O R D E R@@
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.SP2

Heard submissions on behalf of the parties.
Delay condoned.
Leave granted.

On careful perusal of the judgment in the First Appeal, it appears that the same utterly fall short of the considerations which are expected from the Court of First Appeal. No evidence has been discussed, neither there is any discussion as regards the subject matter of the issue. We, therefore, set aside the impugned judgment at the admission stage itself and the decree passed by the High Court stands set aside. We remand the First Appeal to the High Court for fresh disposal in accordance with law. It is desired that the matter be disposed of with utmost expedition. The appeals are disposed of. No order as to costs.

.SP1

.....J.
(U.C. Banerjee)

New Delhi,
May 08, 2001.

.....J.
(Doraiswamy Raju)