

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2107 OF 2007

(Arising out of SLP(C) No.7363/2006)

PEPSU ROAD TRANSPORT CORPN.APPELLANT (S)

VERSUS

SAIDA & ANR.RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

This appeal is directed against an order passed by the High Court summarily dismissing the first appeal on November 29, 2005.

The impugned order passed by the High Court reads thus :-

"O R D E R

Supplementary affidavit along with formal order has been filed today.

Heard the learned counsel for the appellant Shri Rajiv Kumar Saini and learned counsel for the respondents Smt. Rani Gupta.

The appeal has got no force and is dismissed

summarily."

Reading the order, it is evidently clear that the court has not discussed the evidence on record as also the contentions raised by the parties and it merely stated that there was no substance in the appeal and hence it was dismissed summarily.

Learned counsel for the respondents, no doubt, contended that this is not the ground raised by the appellant in the appeal arising out of Special Leave Petition filed in this Court. In our opinion, however, when a first appeal is filed in the High Court, the appellate court is expected to decide the same on merits. As the same has not been done in the present case, the order of the High Court is set aside and the matter is remitted to the High Court for fresh disposal in accordance with law.

We clarify that we have not expressed any opinion on the merits of the case.

Since the matter relates to Motor Accident Claim, the High Court is requested to dispose of the same on merits as expeditiously as possible preferably within a period of three months.

All contentions of the parties are left open.

The appeal is disposed of accordingly.

No costs.

.....J.

(C.K. THAKKER)

.....J.

(TARUN CHATTERJEE)

NEW DELHI;

APRIL 23, 2007.

4

ITEM NO.50

COURT NO.10

SECTION XI

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(s).7363/2006

(From the judgement and order dated 29/11/2005 in FA No. 1273/2005

of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PEPSU ROAD TRANSPORT CORPN.

Petitioner(s)

VERSUS

SAIDA & ANR.

Respondent(s)

(With prayer for interim relief and office report)

Date: 23/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. K.K. Mohan, Adv.

For Respondent(s)

Mr. Punit Dutt Tyagi, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

No costs.

(Satish K. Yadav)

(Vinod Kulvi)

5

Court Master

Court Master

(Signed order is placed on the file)