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SLP(C)No. 7251 OF 2000

ITEM No.17

Court No. 6

SECTION XIV
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.7251/2000

(From the judgement and order dated 22/02/2000 in SA 73/90
of The HIGH COURT OF GAUHATI)

JAYADA MALAKAR & ORS

Petitioner (s)

VERSUS

HAROLD SANTOSH BAJRAY(DEAD) THR.LRS&ORS

Respondent (s)

(With Appln(s). for substitution)
(With prayer for interim relief)

Date : 20/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. PK Goswami, Sr.Adv.
Mr. Rajiv Mehta.,Adv.
Mr. R Rahim, Adv.

For Respondent (s) Mr. Vijay Hansaria, Adv.
Mr. Sunil Kr. Jain, Adv.
for M/s Jain Hansaria & Co.

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

Substitution allowed.

Leave granted.

The appeal is allowed.

.SP1

(Alka Dudeja)
Court Master

(S. Krishnan)
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. 2919 OF 2001@@
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(Arising out of S.L.P.(C) No. 7251 of 2000)

Jayada Malakar and Ors. ... Appellants

Vs.

Harold Santosh Bajray (Dead) through
Lrs. and Ors. ... Respondents

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.
While entertaining this petition, this Court
passed the following order:

.....L.....I.....T.....T.....T.....T.....J
.SP1

"Issue notice as to why the case
may not remanded to the High Court.
Pending notice, status quo as on today
shall be maintained."

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

We have heard counsel for the parties. We are of
the opinion that the judgment under appeal is not
sustainable in law. We, therefore, set aside the
judgment under appeal and send the case back to the High
Court for deciding the matter on merits without
expressing any opinion on the merits of the case.
However, it will be open to the respondents to raise any
contention, which may be permissible under law.

The appeal is allowed.

.....L.....I.....T.....T.....T.....T.....T.....J
.SP1

.....J.
(V.N. KHARE)

New Delhi
April 20, 2001.

.....J.
(N. SANTOSH HEGDE)