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SLP(C)No. 10886 OF 2004

ITEM No.8

Court No. 1

SECTION XIV

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.10886/2004
(From the judgement and order dated 30/01/2004 in CM 146/04
of The HIGH COURT OF DELHI AT N. DELHI)

STATE BANK OF INDIA

Petitioner (s)

VERSUS

M.S.BASI & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 13/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G.P. MATHUR
HON'BLE MR. JUSTICE C.K. THAKKAR

For Petitioner (s)Mr. Ashwani Kumar, Sr. Adv.
Mr. S L Gupta, Adv.
Mr. R K Dixit, Adv.
Mr. Karan Kartik, Adv.
Mr. Chander Shekhar Ashri, Adv.

For Respondent (s)
No. 1/Caveator(s)Mr. R F Nariman, Sr. Adv.
Ms. Indu Malhotra, Adv.
Mr. Dheeraj Nair, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL PPEAL NO. OF 2004
[arising out of SLP(C) No. 10886 of 2004]

State Bank of India... Appellant

vs.

M.S. Basi & Ors.... Respondents

O R D E R

The only person interested in contesting this special leave petition in so far as the impugned order dated 30.1.2004 passed by the High Court is concerned, is the respondent No. 1, who is present on caveat.

Leave granted.

With the consent of the parties, the learned senior counsel for the appellant and the respondent No. 1 are heard finally.

It is not disputed and as is clear from the subsequent order dated 3.2.2004 passed by the High Court that the impugned order dated 30.1.2004 was passed without affording the party adversely affected, i.e. the appellant before us, an opportunity of hearing. For this short reason, the impugned order deserves to be set aside.

The appeal is allowed. The impugned order dated 30.1.2004 is set aside. Liberty is allowed to the respondent No. 1 to move a fresh application seeking such relief as may be advised which shall be heard and decided by the High Court only after giving the opposite parties an opportunity of hearing.

.....CJI

.....J
(G.P. MATHUR)

.....J
(C.K. THAKKAR)

New Delhi;
July 13, 2004.