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SLP(C)No. 8637 OF 2003  
ITEM No.45

Court No. 9

SECTION XIV  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.8637/2003

(From the judgement and order dated 16/12/2002 in RFA 741/02  
of The HIGH COURT OF DELHI AT N. DELHI)

MAUJI RAM (D) BY LRS. & ORS.

Petitioner (s)

VERSUS

HOSHIAR SINGH

Respondent (s)

(With prayer for interim relief)

Date : 10/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR  
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr. S.K. Sabbarwal,Adv.

For Respondent (s) Mr. R.C. Verma,Adv.  
Mr. Mukesh Verma,Adv.  
Mr. Manish Shanker,Adv.

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

Leave granted.

The order dated 16.12.2002 passed by the High Court is set aside and the matter is remanded to be decided after full hearing of the matter on merits. The appeal is allowed in terms of the signed order.

The parties shall appear before the High Court on 10th December, 2003.

(A.S. BISHT)(KANWAL SINGH)  
COURT MASTER

COURT MASTER

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2003  
(Arising out S.L.P.(C) No.8637/2003)

MAUJI RAM (D) BY L.Rs. & ORS.

.....  
APPELLANT(S)

:VERSUS:

HOSHIAR SINGH

.....  
RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel for the parties.

The First Appeal against the original decree has been dismissed by almost a bald order. Learned counsel for the appellants rightly submits that the First Appellate Court being the court of facts and law both, the case should have been better appreciated and decided considering the evidence adduced in the trial not in limine. Considering all the facts and circumstances of the case, we set aside the order dated 16.12.2002, passed by the High Court and remand the matter to be decided after full hearing of the matter on merits.

The appeal is accordingly allowed.

The parties shall appear before the High Court on 10th December, 2003.

.....J  
( BRIJESH KUMAR )

.....J  
( ARUN KUMAR )  
NEW DELHI;  
NOVEMBER 10, 2003.