

V
SLP(C)No. 7824 OF 2003

ITEM No.52

Court No. 9

SECTION IVA
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.7824/2003

(From the judgement and order dated 21/02/2003 in RP 1188/2000
in CP No. 21/1997 of The HIGH COURT OF KARNATAKA AT BANGALORE)

SUMITHRA HEDGE

Petitioner (s)

VERSUS

RAJEEVI SHEDTHI AND ORS.

Respondent (s)

(With prayer for interim relief and office report)

Date : 24/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Mahabir Singh,Adv.
Mr. Rakesh Dahiya,Adv.
Mr. Nikhil Jain,Adv.

For Respondent (s)Mr. P. Krishnamoorthy,Sr.Adv.
Mr. Romy Chacko,Adv.

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

Heard the learned counsel for the parties for a while.

Leave granted.

The civil appeal is allowed.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9226 OF 2003

(Arising out of S.L.P. (C) No. 7824 of 2003)

Sumithra Hedge ...Appellant(s)

Versus

Rajeevi Shedthi & Ors. ...Respondent(s)

O R D E R

Leave granted.

The order passed by the High Court in a review petition is under challenge in this appeal. The learned counsel for the appellant contended that the impugned order cannot be sustained inasmuch as no reasons are recorded therein to show whether it was a case for review; merely because the review petition was filed, it could not be allowed unless the respondent satisfied that there are justifiable grounds seeking review of the order. The learned senior counsel for the respondent submitted that the learned Judge of the High Court, on being satisfied that there were good grounds for review, allowed the review petition but he was not in a position to say as to what are the reasons recorded for allowing the review petition.

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Looking to the impugned order and in the light of the submissions made by the learned counsel for the parties, we are satisfied that the impugned order deserves to be set aside and the matter be remitted to the High Court for fresh consideration on merits and to pass a reasoned order on the review petition. In this view of the matter, the civil appeal is allowed. The impugned order is set aside and the review petition is remanded to the High Court for fresh consideration and disposal on merits by recording reasons therefor.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
November 24, 2003.