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SLP(C)No. 9809 OF 2003
ITEM No.34

Court No.10

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.9809/2003

(From the judgement and order dated 02/01/2003 in CR 26/02
of The HIGH COURT OF H.P. AT SHIMLA)

STATE OF H.P. & ANR.

Petitioner (s)

VERSUS

KUNDAN LAL

Respondent (s)

(With prayer for interim relief)

Date : 14/11/2003 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. J.S. Attri,Adv.

Ms. Promila,Adv.

For Respondent (s)

Mr. Ramesh Chandra Mishra,Adv.

Dr. Meera Agarwal,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed, the order passed by the High Court is set aside and the case is remanded to the High Court in terms of the signed order.

(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.9022 OF 2003
(Arising out of SLP(C) No.9809/2003)

STATE OF H.P. & ANR.

.....
APPELLANT(S)

:VERSUS:

KUNDAN LAL
.....
RESPONDENT(S)

O R D E R

Leave granted.

Heard the learned counsel for the parties.

Considering all the facts and circumstances of the case, possibly as submitted by the appellants, the statement not pressing the State's petition may have been made under some confusion since some other matters involving different point were also listed as bunch matters, though separately. We feel that in the circumstances as indicated by the appellants it would be appropriate that the case may be decided on merits. But the fact cannot be lost sight of that the respondent who was a small employee, a peon, had to put in appearance in this Court and will again have to go a round of litigation in the High Court after remand. It seems to be a fit case for imposing the costs on the appellants.

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In the result, the appeal is allowed, the order passed by the High Court is set aside and the case is remanded to the High Court to hear the same and decide it on merits. The appellants shall pay costs amounting to Rs.5,000/- to the respondent before the hearing of the case in the High Court.

We would also like to observe that the High Court would do well in disposing of the matter expeditiously.

.....J
(BRIJESH KUMAR)

.....J
(ARUN KUMAR)

NEW DELHI,
NOVEMBER 14, 2003.