

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3974 OF 2006
(Arising out of SLP(C) No.7735 of 2006)

MUNICIPAL BOARD, SAWAI MADHOPUR

.....

APPELLANT(S)

VERSUS

RAMJI LAL MEENA

....RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

We have perused the order impugned in this appeal.

The High Court has not adverted to the application of the counsel for the

appellant-Municipal Board who categorically made statement on oath that he

was not having instructions to withdraw the second appeal and, therefore, the

consent given for withdrawal of second appeal was on incorrect premise. We see

force in the submission made by the learned counsel for the appellant-Municipal

Board. This apart, if there is an agreement between the parties the

same

agreement should have been placed before the Court in terms of Order 23 Rule

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3 CPC. In our opinion, the order passed by the High Court rejecting the prayer

for restoration is not correct. We, therefore, set aside that order which is

impugned in this appeal and request the High Court to dispose of the second

appeal No.499 of 1998 within three months from the date of receipt of this Order

from this Court. The High Court is requested to decide the entire matter on

merits after affording opportunity to both parties.

The appeal is disposed of accordingly. No costs.

.....J.
(Dr. AR. LAKSHMANAN)

.....J.
(TARUN CHATTERJEE)

NEW DELHI;

SEPTEMBER 6, 2006.

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ITEM NO.5

COURT NO.9

SECTION XV

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(s).7735/2006

(From the judgement and order dated 09/11/2005 in SBCMA No. 33/2004 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

MUNICIPAL BOARD, SAWAI MADHOPUR

Petitioner(s)

VERSUS

RAMJI LAL MEENA

Respondent(s)

(With prayer for interim relief and office report)

Date: 06/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Dr.Manish Sighvi, Adv.

For Mr. P.V. Yogeswaran,Adv.

For Respondent(s)

Mrs. Rachna Gupta,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

No costs.

(Satish K. Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order is placed on the file)