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SLP(C)No. 11366 OF 2003
ITEM No.46

Court No. 5

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.11366/2003
(From the judgement and order dated 15/01/2003 in LPA 47/03
of The HIGH COURT OF DELHI AT N. DELHI)

SATYAPAL & ORS.

Petitioner (s)

VERSUS

TEK RAM & ORS.

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for directions)

Date : 08/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. N.N. Goswami, Sr.Adv.
Mr. Anil Kaushik,Adv.
Mrs. Rekha Pandey,Adv.

Mr. Shiv Prakash Pandey,Adv.

For Respondent (s)Mr. R.K. Gupta,Adv.
Mr. Rameshwar Prasad Goyal,Adv.

Mr. B.S. Mann,Adv.
Mr. M.A.Chinnasamy,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.

(Neena Verma) (Vijay Aggarwal)
Court Master Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1493 OF 2004
(Arising out of S.L.P.(C) No.11366 of 2003)

Satyapal and Ors.
...Appellants

Versus

Tek Ram and Ors.
...Respondents

O R D E R

Leave granted.

The above appeal has been filed against the order dated 15.01.2003 passed by a Division Bench of the High Court of Delhi whereunder the appeal filed came to be dismissed by a cryptic order with no objective consideration or disposal of the appeal. When the special leave petition came before this Court on 21.07.2003, while ordering notice, it was directed to indicate in the notice to show cause as to why the order of the Division Bench need not be set aside and the matter directed to be restored to file to give proper decision on merits afresh. The respondents have entered appearance. There is very strong objection to the proposal contained in the notice on the ground that since the learned Single Judge has given detailed reasons, the absence of reasons in the order of the Division Bench on merits does not matter and, therefore, there is no merit in the appeal.

The learned senior counsel appearing for the appellant also pointed out that having regard to the subsequent developments and the acquisition of the very lands in question, the respondent will have no further subsisting rights any longer to assert any claim in the matter, in the present proceedings.

On a careful consideration of the respective submissions of learned counsel appearing on either side, we are of the view that the manner of disposal given by the Division Bench could hardly be said to be a judicious or judicial disposal of the matter as is expected of a first appellate court. Though the appellate court while passing an order in affirmance need not give detailed and elaborate reasons, there should be sufficient indication of proper application of mind to the matter before court. To say that the impugned order is a well reasoned order and does not call for interference is no sufficient indication of application of mind.

Consequently, as indicated in the notice, we set aside the order of the Division Bench and remit the matter to the High Court with a direction that the High Court shall restore LPA No.47 of 2003 to its original file and dispose of the matter afresh on merits. We leave liberty with the appellant to bring to the notice of the High Court the subsequent developments as are sought to be urged for consideration, and the High Court may consider all such matters as well. The appeal is disposed of accordingly.

(DORAISWAMY RAJU)

.....J.

.....J.

(ARIJIT PASAYAT)

New Delhi,
March 08, 2004.