

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.10738/2003

(From the judgement and order dated 07/02/2003 in RFA 206/99
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MOHAMED SHARMASTH

Petitioner (s)

VERSUS

MOHD. KHASIM & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 30/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE B.N. AGRAWALFor Petitioner (s) Mr. Har Dev Singh, Sr.Adv.
Ms. Madhu Moolchandani, Adv.For Respondent (s) Mr. Aftab Rasheed, Adv.
Mr. Mukesh K. Giri, Adv.UPON hearing counsel the Court made the following
O R D E RLeave granted.
The appeal is allowed in terms of the signed order.(S. Thapar) (V.P. Tyagi)
PS to Registrar Court MasterThe signed order is placed on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.635 OF 2004
(Arising out of SLP(C)No.10738/2003)

Mohamed Sharmasth

Appellant (s)

Versus

Mohd. Khasim & Ors.

Respondent (s)

O R D E R

Leave granted.

Having heard learned counsel for the parties, we are of the view that the First Appeal (RF A.No.206/1999) which was disposed of by the High Court by the impugned judgment and order requires deeper consideration of the contentions and the material on record of the trial court. Since we are of the view that the First Appeal deserves to be decided afresh, it would not be appropriate to express any opinion on merits. We have thus not gone into the merits. Accordingly, setting aside the impugned judgment and order, we remit R.F.A.No.206 of 1999 to the High Court for fresh decision in accordance with law. We request the High Court to decide the appeal as expeditiously as possible, preferably within a period of six months.

The appeal is allowed in the above terms.

.....J
(Y.K. Sabharwal)

.....J
New Delhi, (B.N. Agrawal)
January 30, 2004