

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1594-1597 OF 2003@@  
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(Arising Out of S.L.P. (Civil) Nos. 11366-11369 of 2001)

Dinesh & Ors. ... Appellant (s)

Versus

Board of Revenue For M.P. & Ors. ... Respondent (s)

WITH

CIVIL APPEAL NOS. 1600-1604 OF 2003@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(@ Special Leave Petition (Civil) Nos. 14321-14325 OF 2001)

CIVIL APPEAL NOS. 1598-1599 OF 2003@@  
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(@ Special Leave Petition (Civil) Nos. 15701-15702 OF 2001)

O R D E R@@  
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Leave granted.

These appeals are against the order dated 26th June, 2001 by which the High Court has set aside the order passed by the Board of Revenue on 10th August, 1999. The High Court has then remitted the matter back to the Board of Revenue to re-consider two revisions on merits.

Before the Board of Revenue, there were two revisions which were pending, namely, Revision Nos. 1145 of 1999 and 1146 of 1999. The Board of Revenue by order dated 10th August, 1999 disposed of both these revision petitions. Against the order of Board of Revenue only four persons, namely, Gabbu, Bherulal, Mangilal and Tejram filed writ petitions before the High Court. We are informed that these four persons were some of the parties to Revision No. ...2..

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1145 of 1999 only. Revision No. 1146 of 1999 had been filed by some other party. None of the parties to Revision No. 1146 of 1999 filed any writ petition in the High Court challenging the order of the Board of Revenue. In Revision No. 1145 of 1999 also there were other parties who also did not challenge the order of the Board of Revenue. The High Court however by the impugned order, has set aside the order passed by the Board of Revenue qua all parties including parties who had not challenged that order. In our view, the High Court should have restricted its order to persons who were before it i.e Gabbu, Bherulal, Mangilal and Tejram. Therefore, we modify the order of the High Court to the extent that only the cases of Gabbu,

Bherulal, Mangilal and Tejram i.e. in Revision No. 1145 of 1999 shall be remitted back to the Board of Revenue for re-consideration. Qua others, the order dated 10th August, 1999 of the Board of Revenue shall continue to operate.

These appeals are disposed of accordingly. There shall be no order as to costs.

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.....J.  
(S.N. Variava)

.....J.  
(B.N. Agrawal)

New Delhi,  
February 21, 2003.

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ITEM No.204

Court No.10

SECTION IVA  
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.11366-11369/2001

(From the judgement and order dated 26/06/2001 in WP 1042, 1043, 1044 and 1045 of 2001 of The HIGH COURT OF M.P AT INDORE)

DINESH & ORS.

Petitioner (s)

VERSUS

BOARD OF REVENUE FOR M.P. & ORS.

Respondent (s)

( With Appln(s). for accepting English translation and exemption from filing O.T. and accepting English translation and with prayer for interim relief ) ( For Final Disposal )

WITH

SLP(C)No.14321-14325/2001

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

SLP(C)No.15701-15702/2001

( With appln. for exemption from filing c/c of the impugned judgment and with prayer for interim relief and office report )  
( For Final Disposal )

Date : 21/02/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Sushil Kumar Jain, Adv.  
Mr. A.D.Dhamija, Adv.  
Mr. M.H.Asudani, Adv.  
Ms. Ruchi Kohli, Adv.  
Mr. L.P.Singh, Adv.

Mr. S.S.Ray, Sr.Adv.  
Mr. Yash Pal Dhingra, Adv.

For Respondent (s) Mr. Sakesh Kumar, Adv.

Mr. Satish K. Agnihotri, Adv.

Mr. A.K.Chitale, Sr. Adv.

Mr. Niraj Sharma, Adv.

Mr. Neeraj Srivastava, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Heard learned counsel for the parties for some time.

Leave granted.

The appeals are disposed of in terms of the signed  
order.

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Anita

(Jasbir Singh)

Court Master

(Signed order is placed on the file.)