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SLP(C)No. 13428 OF 2000

ITEM No.31

Court No. 3

SECTION XII
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.13428/2000

(From the judgement and order dated 06/03/2000 in CMP 558/00
in CRP No. 1515/1996 of The HIGH COURT OF MADRAS)

A.MARIMUTHU

Petitioner (s)

VERSUS

P.GANESAN

Respondent (s)

(With Appln(s). for exemption from filing O.T.)
(with prayer for interim relief & Office Report)

Date : 02/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. S. Ravishankar,Adv.
Mr. R. Yamunah Nachiar,Adv.
Mr. R.D. Upadhyay,Adv.

For Respondent (s) Mr. K.B. Sounder Rajan,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is allowed. There shall be no order
as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

.PL55

CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO..... OF 2001@@
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(Arising out of S.L.P.(C)No. 13428/2000)

A. Marimuthu

Appellant (s)

versus

P. Ganesan

Respondent (s)

O R D E R@@
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

It is true that the High Court had decided the matter on the merits. But, it does not mean that the revision was decided after hearing the appellant. Admittedly, appellant's counsel was not heard. We are satisfied that the appellant has made out sufficient cause for recall of the order dated 30.7.1999. Under such circumstances, the judgment under challenge dated 6.3.2000 is set aside and the case is sent back to the High Court for deciding the matter on merits after hearing the parties.

The appeal is allowed. There shall be no order as to costs.

.SP1

.....J
(V.N. Khare)

.....J.
(N. Santosh Hegde)

New Delhi,
February 02, 2001.

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