

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7478 OF 2014
(ARISING OUT OF SLP (C) No. 13756 of 2010)

SHAKUNTALA B.DHONDE & ORS.

Appellant(s)

VERSUS

SUMANBAI YESHWANT PATIL & ORS.

Respondent(s)

O R D E R

Leave granted.

Considering the fact that the impugned order arises out of a second appeal wherein the decree of dismissal of the suit for specific performance was reversed by the first appellate Court, it was necessary for the High Court to discuss the evidence before arriving at its conclusion in the matter, of course, keeping in mind the provisions of Section 100 of the Code of Civil Procedure. Instead what we find is a bald conclusion that the order of the first appellate Court does not disclose any perversity.

In view of the fact that the High Court has dismissed the second appeal in the aforesaid circumstances, we are of the view that the matter ought to be remanded to the High Court for

reconsideration in the light of the observations contained herein.

Signature Not Verified

Digitally signed by
Meenakshi Kohli
Date: 2014.08.14
14:35:22 IST
Reason:

We, accordingly, set aside the order of the High Court and request the High Court to reconsider the matter and pass a reasoned order as expeditiously as possible, preferably, within a period of one year from the date of receipt of this order.

Consequently, the appeal is allowed.

..... J.

(RANJAN GOGOI)

..... J.
(M. Y. EQBAL)

New Delhi;
August 05, 2014.

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ITEM NO.14

COURT NO.11

SECTION IX

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 (C) No(s). 13756/2010

(Arising out of impugned final judgment and order dated 02/03/2010
in SA No. 73/2009 passed by the High Court of Bombay)

SHAKUNTALA B.DHONDE & ORS.

Petitioner(s)

VERSUS

SUMANBAI YESHWANT PATIL & ORS.

Respondent(s)

(With interim relief and office report)
(for final disposal)

Date : 05/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s) Mr. Satyajit A. Desai, Adv.
Mr.Somanath Padhan, Adv.
Ms. Anagha S. Desai, Adv.

For Respondent(s) Mr. Raju Ramachandran, Sr. Adv.
Mr. Shridhar Y. Chitale, Adv.
Mr. Abhijat P. Medh, Adv.
Mr. Shivaji M. Jadhav, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(R.NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)