

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.12824/2000

(From the judgement and order dated 05/04/2000 in CR 1778/99  
of The HIGH COURT OF PATNA)

BABULAL AGRAWAL

Petitioner (s)

VERSUS

DAMYANTI DEVI AND ANR

Respondent (s)

(With prayer for interim relief and office report)

Date : 12/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. M.N. Krishnamani, Sr. Adv.  
Mr. Jai Prakash Narayan Gupta, Adv.  
Mr. Pankaj Kumar Singh, Adv.  
Mr. K.L. Janjani, Adv.

For Respondent (s) Mr. A. Ganesh, Adv.  
Mr. P. Narasimhan, Adv.  
Mr. Anil Kumar Sinha, Adv.

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

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Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)  
Court Master

(Shelly Sengupta)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No.1222 of 2001@@  
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(Arising out of S.L.P. (C) No.12824 of 2000)

Babulal Agrawal ...Appellant (s)

Versus~

Damyanti Devi & Anr. ....Respondent (s)

O R D E R@@  
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Leave granted.

We have heard learned counsel and read the relevant papers. We are of the view that the civil revision application ought not to have been dismissed summarily by the High Court, for there are issues raised therein that need to be considered. We do not say any more because we do not wish to prejudice the case on either side.

Accordingly, the civil appeal is allowed. The order under appeal is set aside. The civil revision application (C.R.No.1778 of 1999) is restored to the file of the High Court at Patna to be heard and disposed of afresh, on merits. This shall be done expeditiously.

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Pending the disposal of the civil revision application, the status quo as of 28th August, 2000 shall be maintained.

No order as to costs.

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.....J.  
(S.P. Bharucha)@@  
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.....J.  
(Doraiswamy Raju)@@  
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.....J.  
(Y.K. Sabharwal)@@

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New Delhi,  
February 12, 2001.