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SLP(C)No. 13874 OF 1999

ITEM No.201

Court No. 2

SECTION XI
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.13874/1999

(From the judgement and order dated 10/03/1999 in FAFO 257/83
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PARAS Petitioner (s)

VERSUS

RAM DHARI & ANR Respondent (s)
(With prayer for interim relief)
(For Final Disposal)

Date : 19/01/2001 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. Jaideep Gupta, Adv.
Mr. Vineet Maheshwari, Adv.
Mr. Varinder Kumar, Adv.

For Respondent (s)

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

....L.....I.....T.....T.....T.....T.....T.....T.....J
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Leave granted.
The appeal is allowed. No order as to costs.

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(N. Annapurna) (Shelly Sengupta)
Court Master Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@
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CIVIL APPELLATE JURISDICTION@@
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CIVIL APPEAL NO. OF 2001@@
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ParasAppellant(s)

versus

Ram Dhari & Anr. ...Respondent(s)

O R D E R@@
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Leave granted.

The notice on the special leave petition stated that the matter might be disposed of at this stage. The respondent has been served but has not chosen to put in an appearance.

We have heard learned counsel and perused the order under challenge. We are of the view that the order under challenge must be set aside and the matter restored to the file of the High Court to be heard afresh in the light of all the facts and the law, after hearing the appellant before us. The High Court may consider giving notice to Khaderu, who is referred to in the order under challenge, before doing so. It shall be open to the parties to raise all available contentions.

We refrain from saying any more because we do not wish to prejudice the case on either side.

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The appeal is allowed. The order under appeal is set aside. The matter (F.A.F.O.No.257/1983) is restored to the file of the High Court to be heard afresh.

No order as to costs.

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.....J.
(S.P. Bharucha)

.....J.
(Doraiswamy Raju)

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

New Delhi,
January 19, 2001.