

p
SLP(C)No. 2994 OF 2002
ITEM No.16

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.2994/2002

(From the judgement and order dated 13/05/1999 in CMWP 19676/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MARWARI PANCHAYATI DHARAMSHALA & ORS

Petitioner (s)

VERSUS

MAHENDRA PAL SINGH & ORS

Respondent (s)

(With Appln(s). for c/delay in filing SLP, c/delay in refiling SLP and with prayer for interm relief)

Date : 05/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. B.K.Satija,Adv.

For Respondent (s)M/s Anuvrat Sharma, Sanjay Kumar Singh and
orawala, Advs.

M.P. Sh

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Leave granted.

The appeal is allowed. The impugned order of the High Court dated 13th May, 1999 is set aside . The case is sent back to the High Court for hearing and decision afresh after affording the opportunity of hearing to all the parties concerned.

No order as to costs.

KALYANI

(ASHA JOSHI)

COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9584 OF 2003
(ARISING OUT OF S.L.P. (C) NO. 2994 OF 2002)

MARWARI PANCHAYATI DHARAMSHALA & ORS.

.....

APPELLANT (S)

VERSUS

MAHENDRA PAL SINGH & ORS.

.....

RESPONDENT (S)

O R D E R

Delay condoned.

Leave granted.

On 4th February, 2002, this Court directed a limited notice to be issued to the respondents which reads as under:-

"It was urged on behalf of the petitioner that the learned single Judge of the High Court without issuing notice to the petitioner and without giving any opportunity for filing counter affidavit finally allowed the writ petition. In view of this statement, issue notice on the application for condonation of delay as well as on special leave petition confined to the question as to why the case may not be remanded to the High Court after setting aside the order under challenge."

We have perused the counter affidavit filed on behalf of the respondents. There is no response to the grievance raised on behalf of the appellants. A perusal of the impugned order of the High Court also does not show that the appellants herein were heard before passing the impugned order. The High Court could not have disposed of the matter finally and that too to the prejudice of the respondents before it without noticing and hearing them.

The appeal is allowed. The impugned order of the High Court dated 13th May, 1999 is set aside. The case is sent back to the High Court for hearing and decision afresh after affording the opportunity of hearing to all the parties concerned.

No order as to costs.

.....J
(R.C. LAHOTI)

.....J
(ASHOK BHAN)

NEW DELHI;
DECEMBER 05, 2003.