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CIVIL APPEAL NO. 4411 OF 2001@@
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(Arising out of S.L.P.(C)No.13659/1999)

Laxmi Narayan & Ors.Appellant(s)

versus

Dallumal (Dead) by LRs. ...Respondent(s)

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Substitution allowed.
Leave granted.

The notice on the special leave petition stated that the matter might be disposed of at the S.L.P. stage by an order restoring the Letters Patent Appeal to the file of the High Court to be heard and disposed of on merits.

The order of the Division Bench that disposes of the Letters Patent Appeal notes only the reliance placed by the learned Single Judge on two judgments, one of the Patna High Court and the other of the Bombay High Court. It does not say that the Division Bench has seen these judgments and agreed therewith. We think that the point of law deserves the consideration of the Division Bench.

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Accordingly, the appeal is allowed and the order under appeal is set aside. The Letters Patent Appeal (L.P.A.No.459/1998) is restored to the file of the High Court at Jabalpur to be heard and disposed of on merits.

No order as to costs.

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.....J.@@

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(S.P. Bharucha)@@

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.....J.@@

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(Y.K. Sabharwal) @@

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.....J.@@

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(Brijesh Kumar)@@

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New Delhi,@@

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July 20, 2001. @@

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