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C.A.No. 2284-2285 OF 2000
ITEM NO.110

COURT No.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.2284-2285/2000@@
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Rameshwar Sahu & Ors.

Appellant (s)

VERSUS

Jitendra Nath Ojha & Ors.

Respondent (s)

Date : 11/09/2001 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant (s) Mr. Vikas Singh,Adv.
Ms. Pallavi Parmar,Adv. for
Mr. Prashant Chaudhary,Adv.

For Respondent (s) Mr. Rakesh K. Khanna,Adv. for
Mr. Rajesh Prasad Singh,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

The appeals are allowed. There shall be no order
as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NOS. 2284-85 OF 2000

Rameshwar Sahu and ors. .. Appellant (s)

-vs-

Jitendra Nath Ojha and ors. .. Respondent (s)

O R D E R

Against the order of the executing court, the defendant-respondents preferred a revision before the High Court. The High Court allowed the revision by and order and judgment dated 11.9.1997. When the appellants came to know of the said order and judgment of the High Court, they filed a review petition. The review petition was dismissed by the High Court. It is against the said order and judgment of the High Court, the appellants have preferred these appeals.

It is not disputed that the plaintiff-appellants had no notice although the High Court records that the plaintiff-appellants refused to accept the notice. On perusal of the record, we are satisfied that the appellants herein who were respondents in the revision petition before the High Court were not served in accordance with law and, therefore, had no opportunity to contest the revision petition filed by the respondents. On this short ground, these appeals deserve to be allowed. We, therefore, set aside the order and judgment passed in the revision as well as in the review petition and send the matter back to the High Court to decide the revision petition afresh after giving opportunity to the appellants herein in accordance with law. The appellants herein shall deem to be served in the revision. No further notice is required to be sent to them.

The appeals are allowed. There shall be no order as to costs.

& & & & & & & J.
(V. N. Khare)

& & & & & & & J.
(B. N. Agrawal)

New Delhi;
11th September, 2001