

t
SLP(C)No. 13042 OF 2003
ITEM No.2

Court No. 2

SECTION IX
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.13042/2003

(From the judgement and order dated 29/11/2002 in FA 1395/02
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

RAMA PULP & PAPERS LTD.

Petitioner (s)

VERSUS

MARUTI P. DHOTRE

Respondent (s)

(With prayer for interim relief and office report)
(For Final Disposal)

Date : 23/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. Ramesh Singh, Adv.
Mr. Prabhjit Jauhar, Adv.
Mr. S.S. Jauhar,Adv.

For Respondent (s)Mr. R.P Bhatt,Sr.Adv.
Mr. M.N. Shroff,Adv.
Mrs. Tanuja Sheel, Adv.
Mr. C.M. Shroff, Adv.

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

Heard learned counsel for the parties.

Leave granted.

We allow this appeal and set aside the judgment of the High Court and remit the matter back to
the High Court for fresh disposal in accordance with law.

(PAWAN KUMAR) (PREM PRAKASH)
COURT MASTER COURT MASTER
(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1399 OF 2005
(arising out of SLP(C)N o.13042/2003)

RAMA PULP & PAPERS LTD.....APPELLANTS

Versus

MARUTI N. DHOTRERESPONDENT

O R D E R

Heard learned counsel for the parties.

Leave granted.

The High Court by the impugned judgment has dismissed the first appeal without properly consid-
ering the evidence on record or for that matter even the arguments and the grounds raised in s-
upport of the appeal. We do not think that the High Court could have done this without calling

for the records and considering the evidence by itself. Being a the last court of appeal on f
acts it is the duty of the court to go into all the questions raised in the appeal and also t
he challenge to the evidence led in the case. This having not been done, this judgment cannot
be sustained.

We allow this appeal and set aside the judgment of the High Court and remit the matter back to
the High Court for fresh disposal in accordance with law.

.....J.
(N. SANTOSH HEGDE)

.....J.
(S.B. SINHA)

NEW DELHI,
FEBRUARY 23, 2005.