

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.231 OF 1999

U.O.I. & ANR.  
T

... APPELLANT

VERSUS

BALWANT SINGH  
NT

... RESPONDENT

O R D E R

The only point urged in support of this appeal is that the Letters Patent

Appeal was disposed of even without issuance of notice to the respondents in the

LPA, that is to Director General, CRPF and Union of India. On perusal of the

original records of the High Court, we find that in fact no notice was issued before the

admission of the appeal and its disposal. On the first day itself the matter was

disposed of and no name of any counsel for the respondents was indicated. The oral

order passed by the High Court indicates that the appeal was admitted and heard

finally. Strangely, after about three months of the disposal of the LPA by the Division

Bench, an order was passed to indicate the name of the Senior Central Government

Standing Counsel as to have represented the respondents before the Division Bench.

Reference was made to the statement by the Additional Central Government Standing

Counsel to the effect that he had appeared before the learned Single Judge. That by

itself cannot be a ground to hold that there was appearance by any learned counsel for the respondents in the LPA.

Above being the position, we set aside the judgment of the Division

Bench in the Letters Patent Appeal and remit the matter to the High Court for a

fresh consideration on merits after issuance of notice, if any, required to be issued in the LPA. We make it clear that we have not expressed any opinion on the merits of the case. Since, the matter is pending long we request the High Court to dispose of the case as early as possible.

The appeal is disposed of accordingly.

.....J.

( ARIJIT PASAYAT )

.....J.

( C.K. THAKKER )

NEW DELHI,  
OCTOBER 19, 2005.

U.O.I. & ANR

Appellant (s)

VERSUS

BALWANT SINGH

Respondent(s)

(With office report )

Date: 19/10/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE C.K. THAKKER

For Appellant(s)

Mohd. Yusuf, Sr.Adv.

Mrs. Indra Sawhney, Adv.

Mr. Shailendra Sharma, Adv.

Ms. Sushma Suri, Adv.

For Respondent(s)

Mr. V. sudeer, Adv.

Mr. M.B.R.S. Raju, Adv.

Mr. S. Sachin, Adv.

Mr. S. Sunita, Adv.

Mr. S. Balaji, Adv.

Mr. M. Sailaja, Adv.

Mr. S. Srinivasan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Arguments heard.

we set aside the judgment of the Division Bench  
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that we have not expressed any opinion on the merits of the case. Since, the matter is pending long we request the High Court to dispose of the case as early as possible.

The appeal is disposed of accordingly in terms of the signed order.

(PAWAN KUMAR)

(VIJAY AGGARWAL)

COURT MASTER

COURT MASTER

(signed order is placed on the file)