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SLP(C)No. 10918 OF 2003

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4326 OF 2003  
(Arising out of S.L.P.(C) No.10918/2003)

Shri Aalim ...Appellant

Versus

Financial Commissioner & Ors. ...Respondents

O R D E R

Leave granted.

Having heard the learned counsel for the parties, we are satisfied that the impugned judgment of the High Court suffers from factual error though inadvertent it may be. It needs a hearing afresh in the ends of justice. For this reason, the impugned judgment is set aside. The writ petition shall stand restored on the file of the High Court and be heard and decided afresh in accordance with law.

The appeal is allowed.

No order as to costs.

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

.....J.  
(BRIJESH KUMAR)

New Delhi,  
June 30, 2003.

ITEM No.34

Court No. 3

SECTION IVB  
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.10918/2003

(From the judgement and order dated 16/06/2003 in CWP 8976/03 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SHRI AALIM

Petitioner (s)

VERSUS

FINANCIAL COMMISSIONER & ORS.  
(With prayer for interim relief and office report)

Respondent (s)

With

SLP(C)No.10920/2003

( With appln. for exemption from filing c/c of the impugned judgment and with prayer for interim relief )

Date : 30/06/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE BRIJESH KUMAR  
(VACATION BENCH)

For Petitioner (s)Mr. K.T.S. Tulsi, Sr.Adv.  
Mr. Altaf Hussain, Adv.  
Mr. Madhukar Agarwal, Adv.

For Respondent (s)Mr. Neeraj Kumar Jain, Adv.  
Mr. Aditya Kr.Chaudhary, Adv.  
Mr. Vinay Kr. Garg, Adv.

For Res.No.2:Ms.Priya Hingorani, Adv.  
Mr. Nasir Ahmed, Adv.  
Mr. Naresh Kumar, Adv.

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

S.L.P.(C) No.10918/2003:  
Leave granted.  
The appeal is allowed. No order as to costs.  
.....2/-

-2-

S.L.P.(C) No.10920/2003:  
Counter affidavit by respondent no.2 be filed in a week and rejoinder affidavit in a week thereafter.

(N. Annapurna)  
Court Master

(Radha R. Bhatia)  
Court Master

Signed order in S.L.P.(C) No.10918/03 is placed on the file.