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SLP(C)No. 13237 OF 2001

ITEM No.56

Court No. 1

SECTION XVII
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.13237/2001

(From the judgement and order dated 30/05/2001 in AAD 111/92
of The HIGH COURT OF JHARKHAND AT RANCHI)

RAM LAKSHMAN SHARMA @ PANCHAM SINGH

Petitioner (s)

VERSUS

MOST. BADAMI DEVI & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 03/12/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. S.B. Sanyal, Sr. Adv.
Mr. Pranab Kumar Mullick, Adv.
Mr. Bimal Basu, Adv.

For Respondent (s) Mr. M. Qamaruddin, Adv.
Mrs. M. Qamaruddin, Adv.
Mr. Ambar Qamaruddin, Adv.

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

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Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 8237 of 2001@@
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(Arising out of S.L.P. (C) No. 13237 of 2001)

Ram Lakshman Sharma @ Pancham Singh ...Appellant (s)

Versus~

Most. Badami Devi & Ors.Respondent (s)

O R D E R@@
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Leave granted.

We have heard learned counsel. We are satisfied that the judgment and order under appeal needs to be set aside and the appeal remanded to the High Court to be heard and disposed of afresh. This is for the reason that the judgment and order under appeal sets aside the judgment and order of the First Appellate Court without any indication of the formulation of a substantial question of law and without any assessment of the material on record. The two paragraphs which, at best, may be said to deal with the merits are wholly insufficient.

Accordingly, the civil appeal is allowed. The order under appeal is set aside. The second appeal [Appeal from Appellate Decree No. 111 of 1992 (R)] is restored to the file ...2/-

- 2 -

of the High Court at Jharkhand to be heard and disposed of on merits. This shall be done with reference to the order that we have passed and without reference to the order which we have set aside. This shall also be done expeditiously.

No order as to costs.

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.....CJI.@@
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.....J.@@
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(Shivaraj V. Patil)@@
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.....J.@@
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(Arijit Pasayat)@@

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New Delhi,
December 03, 2001.