

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.16566/2000
(From the judgement and order dated 14/02/2000 in CMWP 35090/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ORS.

Petitioner (s)

VERSUS

MOHD. IRFAN ANSARI

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing O.T.)

Date : 26/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. Sunil Gupta, Adv.
Ms. Sangeeta Sharma, Mr. R B Misra and
Mr. Kamendra Misra, Advs.

For Respondent (s) Dr. J N Dubey, Adv.
Mr. Anurag Dubey, Mr. Rajesh Singh,
Mr. S.R. Setia and Mr. M K Verma, Advs.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J.R

Special leave granted.

The appeal is allowed, the impugned judgment of the
High Court is set aside and the High Court is directed to
decide Civil Misc. Writ Petition No. 35090 of 1999 afresh.

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1536 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
[arising out of S.L.P.(C) No. 16566 of 2000]

State of U.P. & Ors. ..Appellant(s)

vs.

Mohd. Irfan Ansari ..Respondent(s)

O R D E R@@
CCCCCCCC

.SP2

Special leave granted.

We have heard the learned counsel for the parties.

We are not satisfied that the case of the respondent was identical to that of Rohit Misra which is the precedent relied upon by the High Court in granting relief to the respondent. It is the case of the appellants herein that there was no request for extension of time received from the respondent and the High Court in the impugned judgment has not adverted to this part of the controversy. The pleadings before the High Court clearly show that the submission of the application by the respondent for extension of time was refuted. The High Court ought to have gone into this aspect before disposing of the writ petition.

It will be appropriate, in our opinion, that the case is remanded to the High Court for a fresh decision. We, accordingly, allow this appeal, set aside the impugned judgment of the High Court and direct it to decide Civil Misc. Writ Petition No. 35090 of 1999 afresh.

.SP1

.....J.
(B.N. KIRPAL)

New Delhi;
February 26, 2001.

.....J.
(RUMA PAL)

.PA