

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15827/2006

(From the judgement and order dated 03/12/2005 in SA No.216/2002  
of The HIGH COURT OF M.P. AT GWALIOR)

SURYA PRASHAD Petitioner(s)

VERSUS

GHANSHYAM Respondent(s)

(With office report)

Date: 07/04/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. S.K. Gambhir, Sr. Adv.  
Mr. M.P. Jha, Adv.  
Mr. Harshvardan Jha, Adv.

For Respondent(s) Mr. Arun K. Sinha, Adv.  
Mr. Rakesh Singh, Adv.

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the parties.

Leave granted.

The civil appeal is allowed.

[ Alka Dudeja ]

Court Master

[ Om Prakash ]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2511 OF 2008

(Arising out of S.L.P. (C) No.15827 of 2006)

Surya Prashad ...Appellant(s)

Versus

Ghanshyam ...Respondent(s)

O R D E R

Heard learned counsel for the parties.  
Leave granted.

By the impugned order, the High Court has allowed the second appeal after considering additional substantial question of law which was not framed at the time of admission of the appeal and that too without giving opportunity of hearing to the parties on the said question.

Accordingly, the civil appeal is allowed, impugned order is set aside and the matter is remitted to that court to dispose of the second appeal in accordance with law after giving opportunity of hearing to the parties.

It is made clear that if the High Court feels that any further question of law arises, it may formulate the same and dispose of the second appeal after giving opportunity of hearing to the parties on the said question as well.

Let hearing of the second appeal be expedited.

.....J.  
[B.N. AGRAWAL]

.....J.  
[G.S. SINGHVI]

New Delhi,  
April 07, 2008.