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C.A.No. 1979 OF 2000
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1979 OF 2000

ANANT RAM APPELLANT

VERSUS

GUREDEV SINGH & ORS. RESPONDENTS

O R D E R

Heard learned counsel for the parties.

By the impugned order, the High Court allowed the Letters Patent Appeal and remanded the case to the Provincial Rehabilitation Officer to re-decide the matter. The proceedings in this matter were started as early as in the year 1987. As is clear from the impugned order, the Division Bench of the High Court formulated three questions, which needed consideration, but, the High Court does not indicate whether it was not possible for the Division Bench of the High Court to decide the matter itself on those questions either for want of evidence or for lack of opportunity to the parties.

Learned counsel for the appellant, before us, contended that the findings, as recorded by the authorities on these very questions, are available on record. Learned counsel for the respondents stated that

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those findings cannot straight away be accepted. At best the Division Bench of the High Court should have considered the matter itself.

On perusal of the impugned order, we are satisfied that the Division Bench of the High Court ought to have decided the case itself on merits in the absence of any justifiable ground for remitting the case to the Provincial Rehabilitation Officer.

In the view we are taking, we do not wish to express one way or the other on the respective contentions of the parties on merits. All the contentions of the parties are left open to be urged before the Division Bench of the High Court, including the question whether the findings have become final or not. Hence, the appeal is allowed, the impugned order is set aside and the Letters Patent Appeal is remitted to the Division Bench of the High Court for disposal on merits in the light of what is stated above.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
New Delhi, [B.N. SRIKRISHNA]
December 16, 2004.
ITEM NO.104 COURT NO.6 SECTION XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1979 OF 2000

ANANT RAM

APPELLANT (S)

VERSUS

GUREDEV SINGH & ORS.

RESPONDENT(S)

(With appln(s) for permission to submit additional document(s)
and with office report)

Date: 16/12/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s) Mr. M.L. Bhat, Sr. Adv.
Ms. Purnima Bhat Kak, Adv.

For Respondent(s) Mr. Har Dev Singh, Sr. Adv.
Mr. Dinesh Masant, Adv.
Ms. Madhu Moolchandani, Adv.

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

Heard learned counsel for the parties for 10 minutes.
The appeal is allowed with no costs in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)