

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.847/2017

(@Petition(s) for Special Leave to Appeal (C) No(s). 21521/2013)

GWALIOR DEV.AUTHORITY, GWALIOR TH.C.E.O.

Appellant(s)

VERSUS

STATE OF M.P. THR. COLLECTOR & ORS.

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the appellant - Gwalior Development Authority, Gwalior, learned counsel appearing for Respondent No.1 - State of M.P. and the learned Senior counsel appearing for Respondent No.4 - Smt. Laxmi Singh at length today.

Learned counsel appearing for Respondent No.1 viz. State of Madhya Pradesh states that he has no objection if the appeal filed by the appellant - Gwalior Development Authority is allowed.

It appears that the only grievance of the appellant in this matter is that before allowing the application under Order 41 Rule 27 of the Code of Civil Procedure, 1908 filed by the appellants before the High Court - respondents herein, a chance of being heard ought to have been given to the appellant - herein, to enable it to make any comment/submission thereon before the High Court

The High Court heard out the matter in respect of the dispute between the parties and the appeal was disposed of without giving a chance of being heard to the appellant herein with regard to the said facts.

Thus, it appears to us that the High Court passed the impugned order in violation of principles of natural justice to the appellant - herein. Hence, we set aside the impugned order passed by the High Court.

After having carefully considered the material available on record, in our considered view, it would be appropriate for us to remit the matter before the High Court with a request to dispose of

the same after giving a chance of hearing to the appellant herein, within a period of three months from the date of communication of this order.

The appeal is disposed of in the afore-stated terms.

.....J
(PINAKE CHANDRA GHOSE)

.....J
(ROHINTON FALI NARIMAN)

NEW DELHI;
23RD JANUARY, 2017.

ITEM NO.2

COURT NO.6

SECTION IVA

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 (C) No(s). 21521/2013

(Arising out of impugned final judgment and order dated 31/01/2013
in FA No. 78/2004 passed by the High Court of M.P. at Gwalior)

GWALIOR DEV.AUTHORITY, GWALIOR TH.C.E.O.

Petitioner(s)

VERSUS

STATE OF M.P. THR. COLLECTOR & ORS.

Respondent(s)

(With appln.(s) for exemption from filing O.T. and permission to
submit additional document(s) and interim relief and office report)

Date : 23/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s)

Mr. B. S. Banthia, AOR
Mr. Sachin Daga, Adv.

For Respondent(s)

Mr. Kush Agrawal, Adv.
Mr. Abhinav Ramkrishna, AOR

Mr. Sunny Choudhary, Adv.
Mr. Mishra Saurabh, AOR

Mr. Rana Mukherjee, Sr. Adv.
Mr. Prashant Shukla, Adv.
Mr. Nikilesh Ramachandran, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending applications filed in the matter are also disposed of.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

