

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

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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  
(PINAKI CHANDRA GHOSE)

.....J  
(ROHINTON FALI NARIMAN )

NEW DELHI;

23RD JANUARY, 2017.

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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

RECORD OF PROCEEDINGS

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&#39;BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON&#39;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)

(SNEH LATA SHARMA)

COURT MASTER

COURT MASTER

(Signed Order is placed on the file)