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SLP(C)No. 5387-5388 OF 2001  
ITEM No.205

Court No. 7

SECTION XVII  
A/N MATTER

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.5387-5388/2001

(From the judgement and order dated 14/02/2000 in LPA 1076/99  
and order dated 21/04/2000 in MJC 464/00 of The HIGH COURT OF PATNA)

TARKESHWAR SINGH @ CHULBUL MAHTO

Petitioner (s)

VERSUS

STATE OF BIHAR & ORS.

Respondent (s)

( With Appln(s). for c/delay in filing SLP & c/delay in refiling SLP )  
( For Final Disposal )  
( With Office Report )

Date : 20/12/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU  
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s) Mr. Pramod Swarup,Adv.  
Mr. Praveen Swarup,Adv.  
Ms. Pareena Swarup,Adv.

For Respondent (s) Mr. Hemant Sharma,Adv.  
Ms. Sushma Suri,Adv.  
  
Mr. Kumar Rajesh Singh,Adv.  
Mr. B.B. Singh,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Learned counsel for the parties addressed the Court  
for a short while.

The appeals are disposed of in terms of the signed  
order. No costs.

.SP1

(Neena Verma)  
Court Master

(K.K. Chadha)  
Court Master

Signed order is placed on the file.

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8633-8634 OF 2002@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(@ Special Leave Petition (C) Nos.5387-5388/2002)

Tarkeshwar Singh @ Chulbul Mahto ..... Appellant

Versus

State of Bihar and Ors. .... Respondents

O R D E R@@  
CCCCCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....J  
.SP2

Delay condoned.  
Leave granted.

In the above appeals, at the time of issuing notice, it was indicated as to why the order of the High Court need not be set aside and the direction be issued to restore the Letters Patent Appeal to its original file to be heard and disposed of on merits.

The respondents have put in appearance.  
Heard learned counsel on either side.

We are of the view that instead of summarily dismissing the Letters Patent Appeal on the ground of technicality, the High Court could have disposed of the L.P.A. on merits. The counsel has no serious objection to this course as indicated in the notice at the stage of the special leave petitions. Consequently, the orders of the High Court are set aside and the High Court may restore the ...2..

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- 2 -

L.P.A. to its original file and after hearing the parties on either side, dispose of the same afresh on merits.

The appeals are disposed of in the above terms. No costs.

.SP1

.....J.  
( DORAISWAMY RAJU )

.....J.  
( ARUN KUMAR )

New Delhi,  
December 20, 2002.