

IN THE SUPREME COURT OF INDIA  
 CIVIL APPELLATE JURISDICTION  
 CIVIL APPEAL NO. 7124 OF 2014  
 (Arising out of SLP(C) No.19277/2013)

State of U.P. & Ors. .. Appellant(s)  
 Versus  
 Gulab Mali .. Respondent(s)

O R D E R

1. Leave granted.

2. This appeal is directed against the judgment and order passed by the High Court of Allahabad in Second Appeal No. 177 of 2013, dated 22.02.2013.

3. The respondent-herein was the plaintiff before the Trial court. He had filed a suit for

injunction restraining the petitioner and its authorities from interfering with the peaceful possession of the suit schedule premises. The

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Trial Court after recording the evidence of both the parties had dismissed the suit filed by the plaintiff/respondent.

4. Being aggrieved by the said order, the plaintiff/respondent had filed the First Appeal before the learned District Judge, Mirzapur. The learned District Judge had allowed the appeal filed by the plaintiff/respondent and had decreed the suit.

Signature Not Verified  
 Digitally signed by  
 Charanjeet Kaur  
 Date: 2014.08.05  
 16:52:47 IST  
 Reason:

5. Aggrieved by the order so passed by the learned District Judge, the appellant-State of U.P. and others has filed the Second Appeal under Section 100 of the Code of Civil Procedure before the High Court. The High Court has dismissed the Second Appeal preferred by the appellant(s) and has also made certain observations against them. Being aggrieved by the same, appellant-State of U.P. and others are before us in this appeal.

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6. We have carefully perused the judgment and order passed by the High Court. The High Court while dismissing the appeal filed by the State of U.P. and others has not assigned any reasons whatsoever. In our view, the High Court ought to have considered each one of the issues canvassed by the appellant(s) and thereafter has come to the conclusion one way or the other. Since that has not been done, we cannot sustain the impugned judgment and order passed by the High Court.

7. In view of the above, we set aside the impugned judgment and order passed by the High Court and remand the matter back to the High Court for fresh disposal in accordance with law after affording opportunity of hearing to both the parties.

8. All the contentions of both the parties are kept open.

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9. The appeal is disposed of accordingly.

Ordered accordingly.

..... J.  
[ H.L. DATTU ]

.....J.  
[ PINAKI CHANDRA GHOSE ]

.....J.  
[ ARUN MISHRA ]

NEW DELHI,  
AUGUST 01, 2014.  
ITEM NO.204

COURT NO.2

SECTION XI

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). 19299/2013

(Arising out of impugned final judgment and order dated  
22/02/2013 in SA No. 177/2013 passed by the High Court Of  
Judicature At Allahabad)

STATE OF U.P. & ORS.

Petitioner(s)

VERSUS

GULAB MALI

Respondent(s)

Date : 01/08/2014 This petition was called on  
for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU  
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE  
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Arvind Varma, Sr. Adv.  
Mr. Adarsh Upadhyay, Adv.  
Ms. Aditi Kochhar, Adv.

For Respondent(s) Mr.K.L. Janjani ,Adv.  
Mr. Anil Pandey, Adv.  
Mr. Pankaj Kumar Singh, Adv.

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.

[ Charanjeet Kaur ]  
Court Master

[ Vinod Kulvi ]  
Asstt. Registrar

[ Signed order is placed on the file ]