

“\$
SLP(C)No. 17876 OF 2000

ITEM No.20

Court No. 5

SECTION IVA
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.17876/2000

(From the judgement and order dated 11/07/2000 in FA 208/00
of The HIGH COURT OF M.P AT INDORE)

ANIL SHARMA

Petitioner (s)

VERSUS

ASHISH & ANR.

Respondent (s)

(With prayer for interim relief)

Date : 03/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Prag P. Tripathi, Sr. Adv.
Mr. K.V. Mohan, Adv.
Ms. Asha, Adv.

For Respondent (s) Mr. Sushil Kumar Jain, Adv.

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

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

Leave granted.
The appeal is allowed. There shall be no order
as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S.Krishnan)
Court Master

Signed order is placed on the file.

.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6127 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP(C)No.17876/2000)

Mr. Anil Sharma

Appellant (s)

versus

Mr. Ashish & Anr.

Respondent (s)

O R D E R@@
CCCCCCCC

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

Leave granted.

This is a plaintiff's appeal. The plaintiff-appellant herein filed a suit for specific performance of an agreement dated 22.6.1995 and for permanent injunction before the District Judge, Indore, Madhya Pradesh. The said suit was dismissed in default. The appellant thereafter preferred a First Appeal before the High Court of Madhya Pradesh. The High Court by the impugned judgment summarily dismissed the First Appeal without giving any reasons. It is against the said judgment of the High Court the appellant has preferred this appeal by way of special leave petition.

We have heard counsel for the parties. This Court, on more than one occasions, has expressed the view that the High Court while dismissing the matter is required to give reasons, however, brief it may be. Without reasons the appellate Court is unable to find out as to which ground has prevailed upon the High Court which has resulted in dismissal of the appeal.

Curiously it was appellant's first appeal and it was required to be dealt with in the manner known to law. On this short ground the judgment under challenge deserves to be set aside.

This Court while entertaining the special leave petition issued notice limited to the question as to why the case may not be remanded to the trial court. We feel that this matter instead of sending back to the trial court is required to be remanded to the High Court. We, therefore, in modification of the order dated 13.11.2000 set aside the judgment under challenge and send the matter back to the High Court to be decided on merits and in conformity with law. However, we make it clear that the appellant shall not take unnecessary adjournment in the matter.

The appeal is allowed. There shall be no order as to costs.

.SP1

.....J
(V.N. Khare)

New Delhi,
September 3, 2001.

.....J
(B.N. Agrawal)