

SLP(C)No. 18327 OF 2000  
ITEM No.204

Court No. 2

SECTION XV  
A/N MATTER

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 (Civil) No.18327/2000  
(From the judgement and order dated 16/08/2000 in DBSA 240/97  
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

RAM KISHAN

Petitioner (s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent (s)

(With prayer for interim relief and office report)  
( With Appln(s). for exemption from filing O.T. )  
( For Final Disposal )

Date : 14/12/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL  
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. A Sharan, Sr. Adv.  
Mr. A Lal, Ms. Sushmita Lal, Mr. K K  
Tiwary and Mr. Rana Ranjit Singh,Adv.

For Respondent (s) Mr. Ranji Thomas, Adv.  
Mr. Javed Mahmud Rao,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Special leave granted.

The appeal is allowed, the decision dated 16th  
August, 2000 of the High Court is set aside and the High  
Court is directed to hear the Special Appeal on merits.

(D.P. WALIA)  
Court Master

(PREM PRAKASH)  
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@  
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[arising out of SLP(C) No.18327 of 2000]

Ram Kishan

..Appellant(s)

vs.

State of Rajasthan & Ors.

..Respondent(s)

O R D E R@@  
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Special leave granted.

This appeal has been filed against the judgment dated 16th August, 2000 whereby the Division Bench of the High Court declined to entertain the appeal against the judgment of the Single Judge who had dismissed the appellant's writ petition.

We have gone through the judgment of the Single Judge and the documents on record and in our opinion this was not a fit case where the Special Appeal should have been dismissed by the Division Bench in limini. We, accordingly, allow this@@

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appeal, set aside the aforesaid decision dated 16th August, 2000 and direct the High Court to hear the Special Appeal on merits.

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.....J.  
(B.N. KIRPAL)

.....J.  
(K.G. BALAKRISHNAN)

.....J.  
(ARIJIT PASAYAT)

New Delhi;  
December 14, 2001.