

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.19693/2001

(From the judgement and order dated 23/08/2001 in FAO 17/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARI MITTER

Petitioner (s)

VERSUS

RESHAM MITTER

Respondent (s)

(With prayer for interim relief)

Date : 09/12/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Ms. Prasanthi Prasad, Adv.

For Respondent (s) Mr. Sanjiv Bansal, Adv.
Mr. Yash Pal Dhingra, Adv.

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

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.SP2

After hearing learned counsel for the parties for
about 10 minutes, the Court granted leave and allowed the
appeal.

.SP1

(S. Thapar)
PS to Registrar

(V.P. Tyagi)
Court Master

The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.....OF 2002@@
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(Arising out of SLP(C)No.19693 of 2001)

Hari Mitter

Appellant (s)

Versus

Resham Mitter

Respondent (s)

O R D E R@@
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Leave granted.

On filing of a divorce petition by the appellant - husband, the trial court by judgment dated 7th December, 1998 passed a decree of divorce dissolving the marriage between the parties. In the first appeal filed by the respondent, the judgment and decree of the trial court was set aside by the impugned judgment of the High Court. While issuing notice it was directed that the respondent shall show cause why the matter should not be remanded back for reconsideration of the High Court.

The first appeal that has been disposed of by the impugned judgment required deeper consideration of the evidence on record, particularly, when the judgment and decree passed by the trial court was being reversed. It seems clear that the same was not bestowed. We, however, express no opinion on merits lest it may prejudice the parties.

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For the aforesaid reasons, we set aside the impugned judgment and remit FAO No.17-M of 1999 (Q and M) for fresh decision of the High Court. We hope that the appeal would be decided by the High Court expeditiously.

The appeal is allowed accordingly.

.SP1

.....J
(Y.K. Sabharwal)

New Delhi,
November 09, 2002

.....J
(Arijit Pasayat)