

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11315/2007

(From the judgment and order dated 05/03/2007 in RSA No. 1889/1993
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ASHOK KUMAR

Petitioner(s)

VERSUS

PUNJAB STATE & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 15/04/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s) Mr.Seeraj Bagga, Adv.
Mrs. Sureshta Bagga,Adv.

For Respondent(s) Mr. Ajay Pal,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The appeal is allowed with no order as to costs.

[Usha Bhardwaj]
Court Master[Vinod Kulvi]
Court MasterSigned order is placed on the file.
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2842/2008
ARISING OUT OF S.L.P. (Civil) NO. 11315/2007

Ashok Kumar .. Appellant(s)

Versus

The Punjab State & Ors. .. Respondent(s)

ORDER
Leave granted.

We have heard learned counsel for the parties.

In the present case, the suit filed by the appellant-plaintiff was decreed by the trial court and the said decree was confirmed by the lower appellate court. The High Court in Second Appeal, however, set aside the decree passed by the trial court and confirmed by the lower appellate court without framing 'substantial question of law' as required by Section 100 of the Code of Civil Procedure, 1908 as amended by the Amendment Act of 1976. Hence, the order passed by the High Court deserves to be set aside. The matter will now go back and the High Court will frame substantial question of law and decide the same, in accordance with law, expeditiously. Since the appellant is said to have been dismissed from service in 1985, the High Court is requested to give priority so that the appeal may be disposed of as expeditiously as possible.

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The appeal is allowed without observing anything on the merits of the matter.

No order as to costs.

.....J
[C.K. THAKKER]

.....J

[D.K. JAIN]
NEW DELHI,
April 15, 2008.