

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 2187 OF 2002

GORDHANDAS VIRJIBHAI & ORS

Appellant (s)

VERSUS

RAVJIBHAI GIGABHAI

Respondent(s)

(With office report)

Date: 16/02/2006 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. H.A. Raichura,Adv.

Ms. S.H. Raichura,Adv.

Mr. M.D. Pandeya,Adv.

For Respondent(s)

Mr. R.P. Bhatt,Sr.Adv.

Ms. Tanuja Sheel,Adv.

Mr. M.N. Shroff,Adv.

Mr. C.M. Shroff,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is allowed.

No costs.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2187 OF 2002

Gordhandas Virjibhai and Ors.

...Appellant(s)

Versus

Ravjibhai Gigabhai

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The High Court by order dated 5th July, 2000, dismissed

the revision application in the absence of counsel appearing on
behalf of the respondent, which led to filing of restoration

application before the High Court giving rise to Civil
Miscellaneous Application No.1194 of 2000. Learned Single
Judge of the High Court came to the conclusion that counsel
appearing on behalf of the tenant was not present at the time of
disposal of the revision application. After recording this finding
instead of restoring the revision application for disposal on merit
by the impugned order, the revision application has been
allowed and the order passed
by the appellate court has been set aside, which procedure in the
facts of the present case was not justified.

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Accordingly, the appeal is allowed, the impugned order
rendered by the High Court is modified and Civil Revision
Application No.1253 of 1983 is restored to its original file. Now
High Court shall dispose of the said Civil Revision Application on
merit after giving opportunity of hearing to the parties. Let
hearing of the revision application be expedited.

No costs.

.....J.

[B.N. AGRAWAL]

.....J.

[A.K. MATHUR]

.....J.

[DALVEER BHANDARI]

NEW DELHI,

FEBRUARY 16, 2006.